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micromedia
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20 Victoria Street
Toronto, Ontario M5C 2N8
Tel.: (416) 362-5211
Toll Free: 1-800-387-2689
Fax: (416) 362-6161
Email: info@micromedia.on.ca

Ontario Human Rights Commission

Commission ontarienne des droits de la personne

Ontario

"Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

50

Annual Report
1997-1998

Ontario Human Rights Commission

100-03096/

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Ontario Human Rights Commission
Chief Commissioner
180 Dundas Street West
Toronto ON M7A 2R9
Tel: 416.314.4541

Commission ontarienne des droits de la personne
Commissaire en chef
180 rue Dundas ouest
Toronto ON M7A 2R9
Tél: 416.314.4541

June, 1998

Honourable Isabel Bassett
Minister of Citizenship, Culture and Recreation
6th Floor, 77 Bloor Street West
Toronto, Ontario
M7A 2R9

Dear Minister:

Pursuant to Section 31(1) of the Ontario Human Rights Code, it is my pleasure to provide to you the Annual Report of the Ontario Human Rights Commission for the fiscal year 1997-1998, for submission to the Legislative Assembly of Ontario.

This report reflects the activities of the Commission to March 31, 1998.

Yours Sincerely,

Keith C. Norton, Q.C., B.A., LL.B.
Chief Commissioner

Preface

Once again, it is an honour for me to report to the Honourable Minister of Citizenship, Culture and Recreation, the Legislative Assembly, and the people of Ontario on the work of the Commission during the 1997-98 fiscal year. Since 1998 is the fiftieth anniversary year of the Universal Declaration of Human Rights, we have dedicated this Annual Report to the recognition of this important landmark in the history of the struggle of civilized humanity to affirm human dignity.

This has been a year in which there have been profound changes at the Commission – changes which have laid the groundwork which will enable us to provide more efficient, effective and responsive service to the public. These include new state of the art computer technology, a new centralized intake and inquiry system, a forma mediation process and a more effective case management strategy.

It has been a year in which we have had high expectations for the staff of the Commission – and by an large they have risen to the occasion. There have been the inevitable delays in staff adjusting to the us of the new technology and we have undertaken over 1,900 person days of training in such areas as technology, intake and inquiry, mediation, and systemic investigation, to name only a few.

All of this has had some impact on some of the year-end statistics but we remain confident that we are still on track to achieve the projected goal of our three-year plan – a current caseload.

We have also clarified our mission, our values and the principles guiding the Commission in developing and approving a new Mission Statement. As well, we have developed a Code of Ethics to guide Commissioners and staff as they carry out their respective responsibilities.

Finally, I am pleased to report that the Commission is now better equipped to serve the people of Ontario than at the time of our last report and is committed to continue to work to provide more responsive and effective service to you – our raison d'être.

We are ever mindful of the fact that our mandate is to contribute to the realization of the public policy as stated in the preamble to the *Code*:

"to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province."

Keith C. Norton, Q.C., B.A., LL.B.

Celebrating the Universal Declaration of Human Rights: Our Connection with the World

We have reached the 50th anniversary of the signing of the Universal Declaration of Human Rights – the pivotal document for human rights work around the world. This document, written and signed with the horrors of World War II fresh in the minds of all involved, still stands as the anchor for ongoing efforts to establish and maintain fundamental human rights the world over. It remains the hub to which all human rights work is attached and from which all human rights work radiates.

Little wonder that this should be the case, given the text, which includes such basic principles as the right to life, liberty and security of the person; equality before the law and protection of the law withou discrimination of any kind; fair and public hearing by an independent and impartial tribunal; the presumption of innocence until proven guilty; protection of privacy and freedom of movement; the right to freedom of opinion, expression and peaceful assembly.

The document goes on to articulate rights related to work and working conditions, education, proper housing, participation in the government of the country and the cultural life of the community. It speaks of a free and democratic society, where one's enjoyment of the guaranteed freedoms is only circumscribed by law.

...solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (Article 29)

These momentous words have led countries from around the world to join together and create human rights conventions and covenants that will give legal force to the universal standards they express. As signatory to such instruments, Canada has an obligation to meet those standards. It does so in large measure by enacting human rights laws of its own and then enforcing them through arm's length agencies such as the Ontario Human Rights Commission.

...the foundation of our very way of thinking and our ideas concerning what we hope for from society. It sets the parameters of our expectations and our goals.

But the 1948 Declaration represents much more than the source of inspiration for the Ontario *Human Rights Code* and other important Canadian human rights laws. It stands as the foundation of our very way of thinking and our ideas concerning what we hope for from society. It sets the parameters of our expectations and our goals.

The enduring words contained in this precious document ring as true for us today, as important, as basic, and as stirring, as they did at the time they were written 50 years ago. They influence all of our efforts in the human rights field today. We look to them for inspiration, guidance and reassurance. They have led us to this path we are on, and for that reason we know we are traveling in the right direction. We honour them and celebrate them during this historic anniversary year.

1997-98: The Commission's Year in Review

In last year's annual report, we made some explicit commitments, many of them in quantifiable terms, as part of our "contract" with the people of Ontario. These commitments, outlined in a section we called our "Accountability Framework", were designed to help both the public and the Commission track the Commission's changes, their implementation and effectiveness.

This year we have used that framework as a reference to help us monitor our progress. We worked from it to review the plans announced last year, assess our successes and shortcomings over the course of the year, and establish renewed commitments for next year. All of these steps can be found in a series of "Accountability Reports" that appear throughout this document.

One year after having made formal public commitments for the various sectors that comprise the Commission's work, we are generally quite pleased and proud with the report that we are able to make. Commission staff worked very hard through the last year to implement the promised changes, which have reaped many of the results that we both expected and hoped to achieve.

The agency's goals for the 1998-99 fiscal year remain consistent with those of the previous year. They aim to build on the organizational change and improvement initiatives of recent years and to consolidate and enhance the results from those efforts. We have defined two overriding objectives for the organization during the coming fiscal year:

1. enhance the timeliness and quality of Commission services, and
2. advance our human rights public education and information program consistent with our established three-year strategic framework.

DEFINING OURSELVES

In the midst of all the changes that occurred during the year, we decided to step back and consider what constants we believe must be present within the Commission. We considered the essential ingredients that must make up the Commission's daily working life to fill it with the spirit and character appropriate to such an organization.

The exercise led us to develop two separate documents: *Mission Statement, Our Values and Principles* and the *Ontario Human Rights Commission Code of Ethics*. They are summarized here and available in full in the appendices.

Mission Statement, Our Values and Principles

This two-page document, approved by the Commission in November 1997, succinctly states the organizational mission of the Ontario Human Rights Commission and then outlines its values and the commitments it makes to breathe life into those values.

Mission statement

The mission statement, drawn directly from the Commission's mandate as defined by the Ontario *Human Rights Code*, describes the agency's *raison d'être* as eliminating discrimination in Ontario society through strong leadership and quality service. It further notes that the Commission aims to accomplish this by:

- effectively enforcing the Ontario *Human Rights Code*, and
- promoting and advancing human rights.

Values and principles

This portion of the document lists the Commission's primary values and the actions it promises to take to realize them.

Leadership

- promote a broad purposive interpretation of the *Code*
- advance broader societal and human rights issues

Informed public

- apply a strategic approach to public education
- develop partnerships to advance human rights

Quality service

- ensure that the service we offer is accessible, flexible, sensitive, equitable, and respectful to all

Consultation

- consult with and invite participation from both the communities we serve and our staff

Effective enforcement

- devise an effective enforcement system that is objective, fair, accessible, sensitive, timely, and flexible

Our employees

- maintain equitable hiring and employment practices
- encourage diversity in the workforce at all levels
- accommodate the special requirements of employees in keeping with the *Code*
- support opportunities for corporate- and self-learning
- expect and recognize good performance
- foster positive, cooperative relationships and communication among employees and between employees and the employer

Effective and efficient management

- practice responsible fiscal management
- respect the policies and procedures of the Ontario Public Service and all collective agreements

Code of Ethics

Background

The Centre for Leadership and the Management Board Secretariat are researching options for implementing a Code of Ethics that would apply to all Ontario civil servants. We felt, however, that the particular type of work the Commission does, coupled with the intense scrutiny it receives, warranted developing a separate Code of Ethics. The Commission therefore hired a private consulting firm to help with this most important task.

Over a three-month period, the firm conducted confidential personal interviews with a sampling of employees and facilitated discussions with focus groups composed of complainants and respondent advisors, social advocacy group representatives and union and professional association representatives. It then worked with an Ethics Committee (made up of staff drawn from across the Commission and a Commissioner) to complete the final report.

Credo

The document begins with the following credo:

In accomplishing its mission, all policies, practices and decisions of the Ontario Human Rights Commission shall promote and reflect ethical principles.

Principles and standards of conduct

The document goes on to outline seven major principles. Each is followed by a brief summary and then a detailed point-by-point explanation of how the Commission will adhere to the stated principle through specific professional standards of conduct. The seven principles and their summaries appear below.

Uphold principles of the Ontario *Human Rights Code*

The Commissioners and staff of the Ontario Human Rights Commission shall uphold the principles of the Ontario *Human Rights Code* as expressed in its preamble.

Internal relationships

Relations and interactions on the part of the Commissioners and staff shall reflect the principles and intent of the *Code*, in a spirit of equality, fairness and mutual respect.

Demonstrate integrity

Commissioners and staff shall demonstrate integrity in all aspects of their duties.

Maintain neutrality

Commissioners and staff shall be, and shall be perceived to be, neutral and without personal or corporate bias in their duties.

Provide the highest standard of quality public service

The Commissioners and staff shall provide the highest quality service that is accessible, flexible and sensitive to a diverse population. Services must be equitable and respectful of the dignity of all persons and their right to be fully informed and free from discrimination. As such, the process must be and be perceived to be reasonable, transparent and committed to fairness and the principles of natural justice, as well as in compliance with the law.

Maintain public confidence and trust

Commissioners and staff shall ensure that their conduct and decisions are performed in a manner that is fair and reasonable.

Support corporate goals

Commission staff shall support corporate goals and strategies developed to fulfil the intent and purpose of the Commission's mission.

To further support the Commission's effort to instill an ethical and principled culture among its staff and Commissioners, the agency will retain the services of an external Ethics Advisor. This person will be available to discuss and offer guidance on questions from Commissioners and staff regarding ethics-related issues.

Accountability mechanisms

As should be evident from this report, the Commission is working hard to hold itself accountable for the commitments it undertakes and the work that it does generally to meet its legislative mandate. We are setting standards for ourselves, explicitly and publicly, and then evaluating and reviewing our progress at regular intervals in an effort to continue improving our performance and ensure that the public is well-informed about our activities.

Apart from our own self-monitoring initiatives, however, various external mechanisms already in place provide checks on the Commission's actions and decisions. Members of the public can trigger those mechanisms to bring almost any aspect of the Commission's activity under review.

Internal structures and processes

An agency of government, the Ontario Human Rights Commission has nevertheless been structured in a way to ensure that individual case decisions are not subject to political influence. The Commissioners are appointed by Order-In-Council. They have no involvement in mediating or investigating cases. They make decisions about cases based on the information and evidence they receive from the Commission's investigation and by applying principles of administrative fairness.

As required by section 37 of the *Code*, the Commission has an internal "reconsideration" process in place to review the Commissioners' decisions. This process is designed to ensure fair and consistent decision-making.

External mechanisms

We are also subject to outside review by the following:

Freedom of Information and Protection of Privacy Office (investigates any complaints regarding the Commission's refusal to release documents)

Ombudsman's Office (reviews the Commission's handling of cases with respect to procedures, timing, or approach)

Trustee of Investigations (independent party responsible for investigating any complaints filed against the Commission itself, managed by the Canadian Human Rights Commission)

Divisional Court (upon application, reviews Commission decisions made under sections 34, 36, and 37 to assess whether the Commission adhered to principles of administrative fairness and natural justice or made any errors in law)

In addition, the Commission is legally required to table its annual report by June 30 regarding its activities during the previous April 1 – March 31 period.

CORPORATE INITIATIVES

The Corporate Services Branch of the Commission plays a largely behind-the-scenes role in the agency's operations, supporting all the other branches. This year it organized several key initiatives, described below.

Restructuring

Regional offices

Most of the restructuring initiatives related to the Commission's regional offices had already been implemented by the start of the fiscal year. In Toronto, however, we used the first three months of the year to consolidate three offices (Toronto East, West and Central) into one Greater Toronto Region (GTR) office, containing two specialized functions: mediation and investigation. The GTR regional office operates from the Commission's Head Office in downtown Toronto.

Registrar

Realigning certain responsibilities to the newly formed Registrar position had also begun to take place before this fiscal year. The process continued through September, by which time the following functions had all been incorporated within the Office of the Registrar: reconsideration requests, decision letters to complainants and respondents, reviews by the Freedom of Information Office or the Ombudsman, and case processing from the time a case leaves the regional office until the Commissioners make their final decision.

Technology

This year the Commission completed a major upgrade of its technology infrastructure. We installed new computer hardware and software in all regions. In addition, all parts of the Commission are now linked by a wide area network, promoting a more effective workflow and improved internal communications.

The Case Management Information System (CMIS), a computer software application that the Commission developed and now uses, offers a comprehensive tool for handling all aspects of case management, and places the Commission on the leading edge of such technological applications. The system provides standard reports; automated standard letters to parties and the public; and on-line access to case precedents, legislative references and sample analyses.

CMIS is being used throughout the Commission, with modules developed for handling inquiries, intake, section 34 requests, mediation, case allocation, investigation, conciliation, freedom of information matters, Ombudsman reviews, Commission decisions, reconsideration, policies and publication education, legal matters and litigation, and correspondence tracking. This system enhances our ability to offer effective and efficient customer service and supports managers in monitoring and achieving case management objectives.

Training

Through staff consultation, the Commission has developed a three-year Corporate Learning Plan. The Plan, based on current thinking about organizational learning, shifts away from the classroom setting in favour of more learner-focused alternatives with the help of technology. It contains a variety of initiatives that can be offered on an agency-wide basis, to specific branches or interested individuals. Under the Plan, the following programs were conducted during this fiscal year:

- an agency-wide, all-day policy training program focusing on the Commission's most recently adopted policies
- inquiries and intake staff training on *Code* interpretation and jurisdiction, Commission policies, referral services, application of section 34, and customer service
- a seven day program for investigators focusing on systemic investigation, the changing nature of discrimination, techniques for effective casework, and mediation

Accountability report

Last year's commitments/This year's assessment

We are pleased to report the match between last year's commitments, as outlined in the last annual report, and this year's assessment of our accomplishments since then. The activities described in this section with respect to restructuring the Toronto regional offices, completing establishment of the Office of the Registrar, bringing in new technology and making learning opportunities for staff a priority were all announced in last year's report.

Technology - The new technology has led to the desired and anticipated results with respect to case management, for example:

- CMIS reinforces established time standards for service and allows us to monitor staff's adherence to those standards.
- Improved technology has enabled inquiries and intake staff to manage a high volume of work.
- Having case law, precedents and sample case analyses built into CMIS as resources enhances the work of mediation and investigation staff.
- All information provided from the initial point of contact is passed electronically onto the next stage of case processing, thus helping to prevent duplication of data input.
- New procedures and the new technology together have helped us better integrate policy and legal considerations into every stage of complaint processing.

Training - Similarly, our stated goals of providing regular staff training through various means to increase the skill level of our workforce and thus improve the quality and consistency of our service were also realized. During the year we offered extensive staff training in all areas of the Commission's operations as described above.

Responsible Financing - As planned, we accomplished our business objectives for the year – an increased level of training, technology and public education – by shifting resources within the Commission's established budget.

Next year's commitments

Our plans for next year concerning the way the Commission operates are designed to continue the trends established in the previous fiscal year. They will move us further along the path toward our goals of consistent, effective, efficient service in keeping with our mandate as set out in the Ontario *Human Rights Code*.

Quality Assurance Program - We will introduce an enhanced *Quality Assurance Program* by September 1998, which will track both the quality and timeliness of our service to the public.

Technology - In 1998-99, the Commission will focus on further enhancing our system to increase efficiency in case processing; clearly identifying technology benefits; and exploring new developments that will further support case management and public education planning, tracking, and evaluation.

Training - In the interests of having a skilled and knowledgeable workforce so as to better achieve its business objectives, the Commission will also continue to support corporate-, branch- and individual-level learning opportunities. We expect to offer additional or enhanced training in:

- systemic investigations and mediation
- public education delivery
- sensitivity toward members of the public with special needs
- the Commission's *Code of Ethics*
- the Commission's *Quality Assurance Program*

CASE MANAGEMENT DEVELOPMENTS

The Regional Services and Systemic Investigation Branch (RSSIB) has arguably undergone the most intensive and far-reaching changes of any of the four Commission branches this year. The staff have met the challenge well, and we are now starting to see the long-term positive effects of the many innovations we have worked so hard to implement. The Commission's case management activities of the past year are described here.

Inquiries

As announced in last year's annual report, the Commission has set up a centralized, agency-wide inquiry service. The service operates from the Commission's Head Office in downtown Toronto.

When members of the public call the Commission, they first connect with an automated answering service which offers them several options for obtaining various types of information, including speaking with an Inquiry Service Representative.

Between early May 1997, when the system came into place, and the end of the fiscal year, 24.7 per cent of callers opted to speak with an Inquiry Service Representative (32,579 out of 132,034). There are seven such Representatives, all of whom attended extensive training sessions in Commission policies and procedures, and in customer service. Their job is to determine whether the matter falls within the Commission's mandate and, based on their assessment, to either refer the caller to a more appropriate agency or send the caller an intake package (the next step to possibly filing a formal complaint).

As of March 31, 1998, the Inquiry Service Representatives handled incoming calls as follows:

- 13% - referred caller elsewhere
- 20% - sent caller an intake package
- 67% - answered all questions; matter closed

Intake

Once an intake questionnaire (sent out as part of the intake package by the Inquiry Service Representatives) is returned to the Commission, an Intake Officer takes over. Five people form the new, centralized intake team which also operates from the Commission's Head Office. The Intake Officers:

- review intake questionnaires received from around the province
- assess whether the individual's concerns fall within the jurisdiction or mandate of the *Code*
- contact complainants for additional information as necessary
- work with complainants to draft complaints
- serve complaints
- receive respondent's responses, and
- identify section 34 issues on a preliminary basis

Of the 6,356 intake packages that Inquiry Service Representatives sent out between May 5 and the end of the fiscal year, 70 per cent (4,438) were returned. Only 30 per cent of the returned questionnaires, however, became formal complaints by the end of the fiscal year. The rest are either in process or were resolved or abandoned by the complainant during the intake stage.

Mediation

As promised, the Commission introduced voluntary mediation services during 1997. This program has proved popular and successful, and has gone well beyond our hoped-for results.

The mediation service was to begin on May 5, however, because the centralized inquiry and intake services – which provide the entry point and "feeder" mechanism for matters ultimately going to mediation – also began on that date, the mediation function experienced some delays. It became fully operational in September.

Under the Commission's new system, professionally trained mediators respond to mediation requests in all the Commission's regional and district offices. The service is available when the complainant has filed a formal complaint, the respondent has responded, and both parties agree to try to reach a settlement through mediation.

The Commission is also reviewing complaints filed before April 1997, in search of those which appear to be suitable candidates for mediation. In cases where it seems appropriate, Commission staff will invite the parties to try mediation. We call this "looping back". The mediation approach has been successful with this group as well.

Mediation Officers have also taken responsibility for processing section 34 applications (requests that the Commission not deal with a complaint, based on specific criteria listed in the *Code*). As approximately 50 per cent of cases opened involve a section 34 request, this removes a significant burden from the Investigators and again helps improve overall efficiency. *[Please note that respondents initiate 83.9 per cent of "not deal with" requests under section 34; the other 16.1 per cent are initiated by Commission staff. Also, the Commission rejects 42.1 per cent of all section 34 requests, deciding "to deal with" the matter at issue in those complaints.]*

Investigation

As with the other functions within the case management system, the Commission has specialized its investigative process. We now have specially trained Investigators who can focus their energies on cases that have:

- withstood applications for review under section 34, that is, received a "to deal with" decision, and
- eluded mediation efforts (or where the parties did not wish to try mediation).

The Investigators are located within regional and district offices that the Commission has reconfigured based more closely on caseload patterns. They are beginning to reap the benefits of enhanced computer technology which gives them easy access to case law and other important resource tools. The Case Management Information System (CMIS) is almost complete and will be fully functional as the Commission enters the new fiscal year. It offers an excellent tool that will help Investigators improve both their efficiency and consistency in processing casework.

Unfortunately, the work of introducing all these new measures has, in the short term, limited the Commission's ability to significantly reduce its caseload. The changes have been extensive, in some instances almost exhaustive, including office closures and considerable time out for staff training.

Together, these factors have affected the Commission's ability to reach all of the goals it had set for the end of this fiscal year. Happily, however, we expect this result to be short-lived. Already the improvements implemented earlier in the year to the early stages of case processing – inquiries, intake, and mediation – have shown significant benefits. We fully expect similar benefits to become apparent in the statistical analysis of the later stages of case processing by next year's report.

Accountability report

Inquiries - last year's commitments

In last year's annual report, we made a commitment to improve access to the Commission by providing high quality, consistent service to all Ontario residents by means of a "one-window" centralized inquiries service. The service would be staffed by a highly trained specialized team, which, beginning in May 1997, and working according to comprehensive standards, would:

- operate five days a week
- handle all public inquiries on a same-day basis, and
- respond to letters within 14 days of receipt

Inquiries - this year's assessment

Quantifiable results

- Callers have access to automated information or Inquiry Service Representatives five days a week.
- The average time that callers wait for an Inquiry Service Representative to answer a call is 66 seconds.
- If the Inquiry Service Representative determines that the matter does not fall within the Commission's mandate, he or she will offer an appropriate referral on the same day as the initial contact.
- If the Inquiry Service Representative determines that the matter falls within the Commission's mandate, he or she will send out an intake package within one day of the initial contact.
- Inquiry Service Representatives direct any written inquiries to appropriate staff members, who respond within 14 days of receipt.

Non-quantifiable results

The Commission now offers complete and consistent information upon first contact. This includes information on the complaint process, the Commission's enforcement procedures, and the obligations of someone filing a complaint.

Inquiries - next year's commitments

Our commitment for next year with respect to the inquiries service is to maintain it and to continue monitoring it to ensure that we are meeting the standardized time frames and levels of consistency and customer service that we have set for ourselves.

Intake - last year's commitments

In last year's annual report we promised to also improve consistency and efficiency at the next level of the process by means of a "one-window" centralized *intake* service. This service would also be staffed by a highly trained specialized team, and it too, applying comprehensive standards, would begin operating in May 1997, to:

- interview complainants and draft complaints within 24 days of first contact with the Commission
- serve complaints
- arrange mediation meetings within two weeks of receiving a respondent's response
- identify section 34 issues on a preliminary basis
- reduce overall caseload size as a result of early assessment of cases and jurisdictional issues
- improve the age and management of the caseload
- provide better service to the people of Ontario

Intake - this year's assessment

Quantifiable results

- Intake staff draft complaints within approximately two weeks after receiving a completed questionnaire.
- Once a complaint is filed, the Intake Officer serves it on the respondent(s) within six days.
- Intake staff arrange mediation meetings, where appropriate, within two weeks of receiving a respondent's response.
- Complaints that must be assigned to an Investigator are assigned as soon as the complaint has been served, the response received, and one or both of the parties have indicated that they do not wish to pursue mediation. All of this occurs within 2.4 months of the complaint having been filed. *[Please note that an investigation does not always start immediately upon assignment to an investigator. However, once having been assigned, the matter becomes a particular staff person's responsibility. That person can be contacted by the parties if they have questions, and progress on the file will be supervised by a manager.]*

Non-quantifiable results

As with the innovations to the inquiries function, changes to the intake function help the Commission offer greater consistency and improved efficiency – indeed a better service to the people of Ontario.

Although the overall caseload remains high, the new intake system serves people more appropriately earlier on in the process. It has improved case management by offering more effective up-front case screening and streaming.

Intake - next year's commitments

As with the inquiries function, the intake service is working well and as planned. Our job with respect to this area in the coming fiscal year consists primarily of maintaining the service at appropriate, specified standards.

Mediation - last year's commitments

The 1996-97 annual report outlined the Commission's plan to introduce a more substantive approach to complaint resolution by means of a voluntary mediation service available within each regional and district office.

Beginning May 5, 1997, the service would replace the "early settlement initiative" in trying to resolve disputes to the satisfaction of both parties during the early stages of the complaint process. The service would be staffed by trained, experienced mediators using enhanced technology and applying procedural changes designed to improve service delivery. The Commission would continue to pursue its public interest mandate when mediating complaints and evaluate the process following implementation.
Through this service, the Commission expected to:

- increase the number of complaints settled before being sent to investigation by successfully concluding approximately 45 per cent of cases referred
- have individual Mediators close an average of 55 cases
- complete the mediation process within 90 days

Mediation - this year's assessment

Quantifiable results:

- successfully concluded 81 per cent of cases referred
- individual Mediators closed an average of 49 cases
- completed the mediation process within 91 days, except in cases:
  - involving a rejected section 34 application (meaning the Commission decided *to* deal with the complaint, after having spent time processing the section 34 request), or
  - filed before April 1997 (cases which are "looped back" as described above)

Non-quantifiable results

When complaints go through the investigation stage and are decided upon by the Commissioners and possibly a board of inquiry or even a court, one party wins and the other loses. Both are subjected to a lengthy, impersonalized, adversarial process, over which they have little control. Complainants and respondents usually have an ongoing relationship – as employer/employee, landlord/tenant, or service provider/recipient – and the complaint process can destroy whatever potential there may have been for restoring and continuing this relationship.

With mediation, parties to a human rights complaint have a chance to work together, with the help of a highly trained professional, to reach a mutually agreeable solution. This gives them a direct voice in the proceedings and greater control over the process. It also offers them a much better chance at coming out of the experience with a sense of having gained something positive. As an added bonus, the whole matter is resolved in a fraction of the time it would take to follow the traditional route.

Mediation - next year's commitments

During the 1998-99 fiscal year, the Commission plans to:

- maintain at least a 50 per cent settlement rate for cases that go through the mediation process
- complete an evaluation of the mediation program, begun last year, to determine its effectiveness and the level of participant satisfaction

Investigation - last year's commitments

In the accountability framework outlined in last year's annual report, the Commission committed itself to:

- decreasing the average age of complaints in the system from 18 months old to 16 months old during the 1997-98 fiscal year
- increasing the volume of case closings per officer from 35 cases to 55 cases *[Although not explicitly stated in the previous annual report, internally this goal was identified as a three-year projection, to be attained by the end of the fiscal year 1999-2000.]*

Investigation - this year's assessment

Quantifiable results

- By March 31, 1998, the average *age* of complaints still in the caseload stood at 19.9 months.
- For all the reasons outlined above, the number of case closings per Investigator, at 25, was considerably lower than hoped. Nevertheless we have not abandoned our three-year goal, and our plans for moving toward it in the coming fiscal year are outlined below.

- The average time that it took to *fully* process (i.e., from filing to closing) the complaints which were closed during the fiscal year went down to 20.6 months, below the expected 22 months that had been projected. *[This figure will naturally fluctuate depending on the age of the cases being closed. During this past fiscal year, the Commission's Investigators worked hard to fully process (close) the oldest complaints still in the Commission's caseload. As a comparison, please note that the average time needed to fully process the youngest cases (those opened during this fiscal year) was just 3.4 months.]*

Non-quantifiable results

During the year, Commission staff members adapted to new surroundings, new technology and new information. They are now well positioned to use their skills and resources to make a significant impact on both the size and age of our caseload. Indeed, this will be the Commission's focus in the coming fiscal year.

Investigation - next year's commitments

As mentioned earlier, the Commission established a three-year Case Management Plan in the 1997-98 fiscal year. We are now entering year two of this plan, which includes the following goals for reducing the overall age and size of the caseload by March 31, 1999:

- close 95 per cent of cases that were over three years old as of March 31, 1998
- decrease the average age of cases in the caseload to 14 months

As part of the Commission's strategy in achieving the goals outlined above, it has embarked on a pilot project to test the delivery of investigations on a fee-for-service model. We will continue this project during the 1998-98 fiscal year to help ensure that we meet our objectives for case closings. During the year, we will also conduct a thorough evaluation of the fee-for-service delivery model.

LEGAL DEVELOPMENTS

The Commission measures its legal activities and accomplishments in terms of its cases (*i.e.*, those which the Commission takes forward to boards of inquiry and the courts). Naturally, our accountability in this area is measured by the decisions rendered in those cases.

In this year's report, we have decided to place the case summaries in the "Current Human Rights Issues in Ontario" section, where they appear according to the substantive issues they raise.

Many of the cases reported on in last year's annual report appear again this year with information about new developments that have occurred during the fiscal year. For example, in several cases we are able to report on decisions rendered following appeals.

In keeping with our recently adopted policy on intervening in precedent-setting cases, the Commission became involved as an intervenor in a case at the Supreme Court of Canada. This is also reported.

POLICY AND PUBLIC EDUCATION HIGHLIGHTS

This year the Commission has been very active in the areas of policy, public education and communications. Major activities that the Commission accomplished in these areas are highlighted below or in the section entitled "Current Human Rights Issues in Ontario" under the appropriate topic headings.

Policy

Internal policy education

In addition to internal training sessions described in the section on "Corporate Initiatives", this year th Commission prepared a comprehensive policy manual for all staff members and Commissioners. The manual has already proven very useful for training sessions and as an ongoing reference source.

Policy development

Apart from responding to 1200 requests for policy advice on a wide range of issues and reviewing internal policies, application forms and employment forms for companies and organizations, the Commission also completed the following projects:

- advertising guidelines for classified ads in newspapers
- policy position regarding the Commission's jurisdiction in cases involving voluntary work, especially boards of directors
- revised policies and guidelines on *Special Programs and Scholarships and Awards*
- Linguistic Services Protocol (a tool to match clients who speak neither English nor French with a community group that will provide translation services for their dealings with the Commission).

Spotlight on insurance discrimination

The Commission has been examining the issue of human rights as they relate to insurance. We have developed a research paper that reviews insurance-related legislative authority, relevant provisions of the *Code* and related cases. The paper also contains an extensive set of reference material. The resulting document will be a specialized research tool for Commission staff in addressing the many complex issues which arise with respect to insurance and human rights.

Public education

The 1997-98 fiscal year, the first year that the Commission's Public Education and Communications Strategic Plan was in place, proved to be a busy and productive year for this aspect of the Commission's mandate as well.

Internal initiatives

The Commission has been involved with some interesting internal projects this year, all of which help promote the agency's new commitment to better integrate its various branches:

- designing a customized computer program to track and respond to public education requests, thus speeding our response to groups requesting presentations
- organizing a Public Education Committee with representation from all branches within the Commission
- working closely with other Commission staff to develop:
  - an investigation training program
  - a corporate learning plan
  - a system of early, joint review of cases being sent to the Commissioners for consideration, and
  - a new coding system to improve our ability to effectively analyse trends in complaints, working from the database.

External presentations

The Public Education Plan's implementation was certainly evident in the high number of presentations offered to the public (listed in the Appendices) and in the high number of staff from across the Commission who delivered those presentations. To help focus its education efforts, the Commission targeted certain strategic sectors: employment and education groups, community groups, and professional/lawyers' groups.

Partnerships

Also called for in the Public Education Plan as a way to enhance its public education efforts, the Commission has been working to establish external partnerships. The results have been positive and productive. Here are some highlights:

- Together with the Law Society of Upper Canada's Continuing Legal Education department, the Commission co-sponsored a full day workshop attended by approximately 80 lawyers. The seminar focused on recent changes to the Commission, the complaints process, and how to prevent human rights complaints in the workplace.

- Commission staff delivered a half-day workshop with approximately 18 representatives from six different community agencies who will be helping the Commission by offering translation services under the Linguistic Services Protocol.
- The Commission initiated discussions regarding possibilities for partnership with the Ontario Federation of Labour (OFL) at its human rights committee's annual planning meeting in February 1998.
- We are currently working with representatives of the Human Resources Professionals Association of Ontario (HRPAO) to plan a full-day workshop for its members.
- The Commission also initiated discussions with some unions about offering a broad-scale educational program to its members.

Other external activities

- coordinating the Commission's activities for December 10, 1997, the anniversary of the Universal Declaration of Human Rights, and working with the United Nations Association of Canada to plan for the 50th anniversary of the Declaration on December 10, 1998
- updating the Commission's web site, a means of offering well-organized, current information about the Commission
- providing substantial support services to the Canadian Association of Statutory Human Rights Agencies (CASHRA) conference.

Accountability report

Last year's commitments

The first year of the Commission's Public Education and Communications Strategic Plan, 1997-98 was focused primarily on developing internal resources and expertise. To accomplish that, the Commission had set for itself the following tasks and objectives:

Public Education

- promote public interest through revitalized planned programs of education and information about human rights
- enhance the Commission's capacity to advance public policy and promote public education through strategic allocation of funding, staff training and development of appropriate supporting materials
- build strategic relationships with community groups and stakeholders

Communications

- reposition the Commission as an effective public opinion leader
- increase the number of publications available to the public via the OHRC web site

Policy

The Commission made no specific commitments in last year's report with respect to policy matters. Certain highlights are nevertheless mentioned here.

This year's assessment

We proudly report delivery on all the points mentioned above by means of the following:

Public Education

- increased public education activities by 30 per cent over the previous fiscal year, offering direct training to 3,500 individuals *[Organizations that received direct training are listed in the appendices.]*
- developed specialized policy training sessions, manuals and information systems for all staff to help ensure consistency and quality of service
- developed customizable speaker kits and display units with information and education packages for staff to use in public education activities
- published new and revised Commission policies and information documents in book form to commemorate the 50th anniversary of the Universal Declaration of Human Rights
- organized information sessions and meetings between the Chief Commissioner and legal clinics, ethno-cultural community groups, advocacy groups and media on the Commission's new procedures and developments
- held specialized sessions which were conducted by senior Commission staff and the Chief Commissioner with Ontario schools, universities and community colleges

Communications

- developed plain language guides to Commission procedures and a *Guide to Mediation Services* for parties to complaints and interested members of the public
- introduced fax broadcast newsletters for community and stakeholder groups across the province
- increased the use of press releases and fax broadcast services to improve public awareness of key settlements and decisions going to or decided by boards of inquiry

Policy

- advised over 1200 organizations and businesses on the compliance of their employment practices with the *Code*
- developed special procedures for persons subjected to sexual harassment with personal safety concerns
- introduced a systematic review of existing and proposed legislation to ensure compliance with the *Code*, thus facilitating the Commission taking a public position regarding the *Tenant Protection Act, Social Assistance Review Act* and 65 separate Ontario statutes containing discriminatory provisions regarding gays and lesbians

Next year's commitments

Public Education and Communication

In the coming fiscal year the Commission plans to:

- launch a public awareness campaign about sexual harassment
- develop additional plain language documents
- develop additional partnerships with Aboriginal organizations and in the private, public and non-for-profit sectors for delivering public education *[Special initiatives to address Aboriginal issues were specifically targeted for years 2 and 3 of the Public Education Plan.]*
- improve international liaison
- improve distribution of Commission publications to community organizations, advocacy groups and other stakeholders throughout Ontario
- maintain levels of direct delivery for public education
- further modify the web site to attract more users and to further facilitate their ability to download or copy policy and publication information

Policy

Having completed its two-year policy agenda, the Commission has twenty new, revised or updated policy documents, plain language brochures and information sheets available. In 1998-99 we plan to:

- re-direct policy resources to further support case management activities
- update research tools on disability
- develop a policy position on transgendered persons and the *Code*
- continue reviewing legislation and bills tabled before the Legislature for compliance with the *Code*.

NATIONAL INITIATIVES

The Commission's involvement in human rights work at the national level centres around its membership and active participation in The Canadian Association of Statutory Human Rights Agencies (CASHRA). Founded in 1972, CASHRA has representation from all thirteen human rights jurisdictions in Canada – provincial, territorial, and federal.

CASHRA serves primarily as a communications link between the various statutory agencies. Its annual conference provides a forum for sharing information among the member agencies and an opportunity for the members to take unified, public positions on issues of concern to all.

The members take turns presiding over the Association each year, with the presiding agency also taking responsibility for organizing and hosting the annual conference. In 1997, the Ontario Commission filled this role, meaning that members of the Commission's senior management staff held the positions of President, Secretary and Treasurer for CASHRA from June 1996 to June 1997.

INTERNATIONAL INITIATIVES

For several years now, the Commission has reached out to others involved in human rights work from around the world. Through these efforts the Commission has hosted delegations from India, the Philippines, Norway, Vietnam, and China. Last year we also hosted an exchange student from India as a summer intern.

For the second year in a row, the Commission sent three staff members to participate in a three-week training program, sponsored by the Canadian Human Rights Foundation (CHRF), held outside of Montreal. Participants to the program represent official and non-governmental human rights groups from around the world. This program helps to strengthen our staff's knowledge of international human rights issues and to forge links with others from the international human rights groups.

Two of this year's representatives from the Commission also participated in a joint CHRF / Canadian International Development Agency (CIDA) project involving training and exchange with the National Human Rights Commission of India.

Current Human Rights Issues in Ontario

TENANT PROTECTION

Protecting tenants from discriminatory practices by landlords has long been a concern for the Commission, which articulated a stand against certain tenant screening practices years ago. The case which challenges these practices finally underwent a long and complex hearing last year. Meanwhile, this year, while waiting for the decision in that case, the Commission fought essentially the same battle in a different forum – at the legislature. A description of these developments appears below.

Commission cases

Kearney et al. v. Bramalea Limited et al.

This case concerns the legitimacy of the "30 per cent rule", a standard widely used by landlords when assessing rental applications. Under the 30 per cent rule, landlords require tenant applicants to disclose their income, and based on this information, they decide whether or not to rent to them. If the rent amounts to more than 30 per cent of the person's income, the landlord often refuses to rent the property.

The effect of the "30 per cent rule" is to require that prospective tenants have a minimum level of income to be eligible for accommodation. The complainants have challenged this practice, alleging that this criterion excludes persons who are young, female, single, new to Canada, single parents and/or those in receipt of public assistance from acquiring decent rental space.

Status: The hearing concluded in January 1997, and additional written submissions were made in June 1997. A decision is still pending.

Legislative developments

In last year's Annual Report we reviewed the Commission's opposition to certain proposals being introduced by the government in Bill 96, the *Tenant Protection Act*. Under the Bill, landlords would be authorized to screen potential tenants based on income information.

In letters to the responsible minister and the party leaders, Chief Commissioner Keith Norton cautioned that such a provision would have the effect of allowing discrimination against people on public assistance, thus directly contravening protections offered by the *Code*.

In June 1997, Mr. Norton appeared on behalf of the Commission before a legislative hearing called to review the proposed legislation. He reiterated the Commission's firm and long-standing policy on this issue. As of March 31, 1998, we are still awaiting the proclamation of the new *Tenant Protection Act* together with the implementation of any new regulations.

The Commission will also track implementation of another provision in Bill 96 that had led to some concern in the community. We will be monitoring developments under s.93 of the Bill, regarding landlord applications to evict tenants from care homes based on changes in their care needs.

RACE RELATIONS

Discrimination on the basis of race continues to present a major problem in Ontario, and the Commission continues to work hard to make progress in the battle against it in all its forms. Complaints concerning discriminatory action on the grounds of race, colour, and ancestry comprised 21 per cent of the Commission's caseload this year, the second largest group after those related to disability issues. Complaints concerning discrimination based on the related ground of ethnic origin made up another four per cent of new cases.

Commission cases

Many instances that come before the Commission prove especially challenging because of the insidious and covert nature of much racial discrimination in the 1990's. Three cases that the Commission is either currently involved with or has concluded this year are outlined below.

Abouchar v. Metropolitan Toronto School Board, et al.
(Board decision March 27, 1998)

The complainant, a francophone born in Egypt of Lebanese origin, immigrated to Canada in 1969. He alleged that he was discriminated against because of his race, place of origin and ethnic origin by the respondent school boards who failed to hire him in two separate competitions for managerial positions. The complainant alleges that he was denied these positions because of the respondents' preference for hiring franco-Ontarians rather than immigrant francophones.

Result at board: The board of inquiry decision was released on March 27, 1998. In a long and complex decision, the board found in favour of Mr. Abouchar on most issues. The board found that:

- with respect to the first job competition, Mr. Abouchar should have been appointed and the respondent's failure to appoint him was an act of reprisal for a previous human rights complaint, and
- with respect to the second competition, the respondent had discriminated against Mr. Abouchar based on his place of origin but had nevertheless been justified in choosing the successful candidate based on that person's relevant experience

Status: The hearing will resume to address the question of damages.

Robert Wong v. Toronto Hydro et al.

(Board settlement August 29, 1997)

The complainant was an engineer with Toronto Hydro from 1982 to 1995. He had immigrated to Canada from Hong Kong as an adult. The complainant alleged that, although he was a very senior and experienced engineer when he started with Toronto Hydro, the company failed to promote him beyond the position of supervisor. He believed he was unable to break into the ranks of senior management because he was Chinese.

Result: After 17 days of hearing into this complaint, the parties agreed to settle the matter. The respondent paid the complainant $95,000.00. That included:

- $20,000.00 for general damages (including damages for mental distress)
- $13,000.00 for litigation and legal costs
- $21,824.00 for lost wages, and
- $40,176.00 for pre-judgement interest

Negro Creek Road

(Commission settlement December 1, 1997)

The Commission was very pleased to announce in December 1997 that it had been able to successfully mediate a dispute concerning the name of a road in historically rich Holland Township. The dispute arose when Township officials voted to change "Negro Creek Road" to "Moggie Road". Some residents felt that the move would eradicate an important chapter of Black history from the area and viewed it as racial discrimination.

The parties went through a conciliation process following investigation of the complaint, with the Commission acting as facilitator. In the end, they were able to settle the matter with all involved claiming a "win-win" proposition.

Result: Under the terms of the settlement, the Township agreed to change the name of the road back to "Negro Creek Road". Both parties acknowledged that the settlement would mark the end of the dispute and the beginning of better relations between the community and the Township.

ABORIGINAL PEOPLE

In early January, 1998, the federal government responded to the *Report of the Royal Commission on Aboriginal Peoples*, presenting a far-reaching plan containing four major objectives. Implementation of this plan, of course, has yet to be seen. Nevertheless, the government has clearly outlined a set of objectives and specific the actions to achieve them.

Each of these objectives and many of the action steps outlined call for close cooperation and involvement from provincial and territorial governments, as well as the private sector. The Ontario government, meanwhile, has not issued its own response to the Royal Commission on Aboriginal Peoples. Now that the federal government has laid out such a clear action plan, the Commission will be looking forward to seeing the provincial government's plans for its participation in that agenda.

Commission action

This year the Commission began educational outreach to Aboriginal peoples, including education sessions with Friendship Centres, Aboriginal educational councils and First Nations reserves and government.

DISABILITY

Discrimination against people with disabilities, particularly in the workplace, remains one of the most intractable problems the Commission works to address. It also constitutes a higher proportion of our caseload than any other single ground of discrimination. This year we were pleased to achieve significant successes on the litigation front. The cases and their results are reported on below.

Commission cases

Danforth v. The City of Ottawa

(Commission settlement June 18, 1997)

The Commission facilitated negotiations on settlement of a complaint filed in 1994, alleging that the Frank Clair Stadium, former home of the Ottawa Rough Riders, was not accessible to persons using wheelchairs.

Under the terms of the settlement, the City of Ottawa will systematically inspect all its buildings and facilities and make any necessary changes to ensure that they meet all requirements of the *Building Code* and the Ontario *Human Rights Code*. The City also agreed to consult with the Ottawa Disability Issues Advisory Committee about modifications that it makes as a result of the inspections.

Hazlett v. York Region Board of Education

(Board settlement March 24, 1997)

The complainant, who suffered from Parkinson's disease, worked as a teacher for the respondent board of education. The dispute concerned differing views on whether the complainant remained capable of work during the time that the respondent did not allow her to continue working.

Result: In settling this complaint, the respondent agreed to:

- pay the complainant $11,000.00 in general damages
- arrange for a Commission representative to conduct a workshop for its administrators on accommodating the rights of workers with disabilities
- maintain the complainant's employee status until August 2000, in the event that the complainant might be able to return to work, and
- permit the complainant to purchase group insurance under the terms of the collective agreement

Entrop v. Imperial Oil Limited

(Divisional Court decision February 6, 1998)

The complainant had been employed by the respondent company for 18 years when the respondent introduced a new "Alcohol and Drug Policy". Under this policy, the complainant was required to disclose to the respondent that, some years prior, he had had an alcohol problem.

As a consequence of this forced disclosure, and again pursuant to the provisions of the company's Alcohol and Drug Policy, the complainant was removed from his safety-sensitive job to a less desirable

job. As well, the complainant was subject to a restrictive reinstatement process that involved ongoing undertakings and controls. He filed a complaint with the Commission alleging that he had been discriminated against on the basis of handicap and that he had been subject to reprisal.

Result at board: The board of inquiry held a lengthy, multi-part hearing. In a series of separate decisions, the board held in favour of the complainant on each issue.

The respondent appealed to the Divisional Court.

Result at Divisional Court: The Divisional Court dismissed the respondent's appeal in its entirety and held that the board's findings were "reasonable" and supported by the evidence, and that the board had correctly interpreted sections 5 and 17 of the *Code*.

Status: The respondent is currently seeking leave to appeal to the Court of Appeal.

Legislative developments

Social Assistance Reform Act

The courts now clearly recognize drug and alcohol dependencies as "handicaps" protected under the *Code*, and the government is starting to as well. The original version of the *Social Assistance Reform Act* adopted a narrow definition of "disability" that excluded people with drug or alcohol dependencies. The government amended this proposed legislation, however, in response to a letter from the Commission outlining concerns about the statute's compliance with the *Code*.

Although the Commission still has some reservations as to how the provisions may be applied, it feels that its concerns have been substantially addressed by the revisions, which brought the new legislation more in line with the spirit of the Ontario *Human Rights Code*.

Ontarians with Disabilities Act

The Ontario government has committed to consulting on and enacting an *Ontarians with Disabilities Act*. A Commission representative attended a three-day conference in Bethesda, Maryland on employment for people with disabilities to learn more about the American legislation and how it has been working in the United States.

Other Commission action

Environmental sensitivities

In September 1997, Chief Commissioner Keith Norton met with representatives of an organization called Advocacy Group for Environmental Hypersensitivity. The group has urged the Ontario Ministry of Health to reform its policy and practices with respect to Environmental Sensitivities and to raise the public profile of this condition. It has also asked the Commission to adopt a public position that Environmental Sensitivity (ES) be given unqualified protection under the *Code* on the ground of "handicap".

The Commission has consistently urged the Ministry of Health to educate the public about this condition and has offered its assistance with developing educational materials to that end. The condition does not, however, automatically fall within the Commission's policy on the definition of a handicap as that policy is bound by the three-pronged test set out in the case of *Ouimette* v. *Lily Cups Ltd.* Mr. Norton nevertheless reiterated the Commission's willingness to consider individual complaints of discrimination from persons with environmental sensitivities.

SEXUAL ORIENTATION

The Commission has had considerable involvement with issues relating to discrimination based on sexual orientation this year. Our comprehensive review of Ontario statutes for discriminatory definitions of "spouse", released in March 1997, garnered substantial media attention and formed the basis of a public letter to the government about this issue.

Also, three cases that the Commission had referred to boards of inquiry were decided this year, all in favour of the complainants. Another is still at the hearing stage. Two important test cases, in which the Commission participated as an intervenor, are currently before the Supreme Court of Canada. A brief summary of these cases and other related activities appears below.

Commission cases

The Commission is currently involved in a number of cases concerning sexual orientation discrimination which together raise a wide variety of key issues. Decisions in almost all of the cases will set important precedents.

Moffat v. Kinark Child and Family Services

The complainant in this case, a gay man, was fired shortly after he became a foster parent of a male youth. He alleged that he was discriminated against because of the respondent's stereotypical views associating homosexuality with pedophilia and because of perceived handicap (AIDS). The complaint also included the grounds of family status and reprisal.

Status: The hearing is continuing.

Bewley v. Her Majesty the Queen in right of Ontario
(Board decision November 4, 1997)

The complainant is a lesbian woman who had been involved in a conjugal relationship with her same-sex partner for approximately seven years. She and her partner sought to change their surnames to a hyphenated combination of both using section 3 of the *Change of Name Act*. Application of the section, however, is restricted to "a man and a woman" living in a conjugal relationship. The complainant's name change request was therefore refused. She filed a complaint alleging discrimination in the provision of a service on the basis of sexual orientation.

Result: The board decided in favour of the complainant, finding that the provisions in the *Change of Name Act* did indeed contravene the *Code*. The board ordered the respondents to:

- process the complainant's request for a change of name under the *Act*, and
- pay the complainant $500.00 as general damages

Status: The respondent has filed an appeal to the Divisional Court.

Richard Hudler v. City of London & Mayor Dianne Haskett
(Board decision October 7, 1997)

A resident of London filed this complaint against the Mayor after she refused to grant a municipal proclamation of "Pride Weekend" in July 1995. The complaint alleged discrimination with respect to services because of sexual orientation. The complaint included the City of London as a respondent because City Council also would not grant the proclamation following the Mayor's refusal.

Result: The board of inquiry followed the decision of *Morrow*, a Hamilton case raising identical issues, when it found that the Mayor and City Council had discriminated against the complainant. The board concluded that:

- the Mayor refused to issue the proclamation because the request came from a group with a gay and lesbian membership
- the Mayor's policy of denying requests for proclamations based on "sexuality" had a differential impact on the gay and lesbian community
- "services" are "something of benefit provided by one person to another"
- the Mayor's power to grant or withhold a proclamation, while "discretionary in nature", falls within the ambit of the *Code*.
- freedom of expression principles under the *Canadian Charter of Rights and Freedoms* could not be applied to insulate the office of the Mayor from scrutiny and dilute the purposes of the *Code*

The board ordered:

- the Mayor and the City to pay the complainant $10,000 in general damages
- the City to grant any future requests to proclaim Pride Day/Weekend, and
- make a commitment to investigate ways of fostering improved relations with the Gay, Lesbian and Bisexual communities of London

John McCallum v. Toronto Transit Commission and the Attorney General of Ontario *(Board decision September 16, 1997)*

The complainant, a gay man, was not allowed access to employment benefits for his same-sex spouse. He filed a complaint against his employer, the Toronto Transit Commission (TTC), alleging discrimination with respect to employment on the basis of sexual orientation.

In January 1996, the board of inquiry adjourned this hearing pending release of a decision in the similar case of *Dwyer and Sims v. The Municipality of Metropolitan Toronto and the Attorney General of Ontario*.

In September 1996, the *Dwyer and Sims* decision was released. The board found the definition of "spouse" in the employment benefits plan and in the relevant legislation and regulations to be discriminatory, and ordered that spousal benefits be extended to the employees' same-sex spouses.

Result:

- As a result of the *Dwyer and Sims* decision, the respondent TTC extended spousal benefits to the same-sex partners of its gay and lesbian employees, including the complainant, Mr. McCallum.
- The board ordered the TTC to pay the complainant $2,500.00 as compensation for the loss of the complainant's right to freedom from discrimination.

Attorney General of Ontario v. M. and H.
(On appeal to the Supreme Court of Canada)

This case began in the courts; it was never the subject of a human rights complaint. The Commission sought involvement as an intervenor because of the important and precedent-setting human rights issue at stake.

Following the breakdown of their 12-year relationship, the respondent "M" asked the court for a support order against "H", her former same-sex partner. She argued that the opposite-sex definition of "spouse" in section 29 of the *Family Law Act*, which precluded an application for support in the context of a lesbian common law relationship, denied her the equality rights guaranteed to each individual under section 15 of the *Charter*.

Both the original court and the Court of Appeal ruled in "M's" favour, holding that the *Family Law Act's* definition of "spouse" violated the *Charter*.

The case was appealed to the Supreme Court of Canada, where the Commission successfully applied for leave to intervene, and in its submissions, supported "M's" position. The Commission argued that the opposite-sex definition of "spouse" in the *Family Law Act* is discriminatory and violates principles of equality under section 15 of the *Charter*.

Status: This case was argued before the Supreme Court of Canada on March 18, 1998. The decision is pending.

Vriend et al. v. Alberta

(On appeal to the Supreme Court of Canada)

The Commission participated in this case at the Supreme Court of Canada in its capacity as a member of The Canadian Association of Statutory Human Rights Agencies (CASHRA), which intervened in support of the appellant, Delwin Vriend.

The case began when Vriend, who worked at King's College in Edmonton, Alberta, was fired shortly after disclosing to his employer that he was a homosexual.

The Alberta Human Rights Commission advised Vriend that he could not file a human rights complaint because sexual orientation is not included as a protected ground under Alberta's human rights legislation, the *Individual Rights Protection Act*. Vriend then sought a court declaration that the *Individual Rights Protection Act* violates section 15 of the *Charter* by failing to prohibit discrimination on the basis of sexual orientation.

Result at Court of Queen's Bench: The lower court agreed with Mr. Vriend and found that Alberta's human rights legislation violated the *Canadian Charter of Rights and Freedoms*. The court effectively held that the government of Alberta has a *positive* obligation under the *Charter* to legislate protection from discrimination based on sexual orientation and that therefore such protection should be "read into" the legislation.

The government of Alberta appealed this decision.

Result at Court of Appeal: In a two-to-one decision, the Alberta Court of Appeal reversed the lower court and ruled in favour of the government, holding that the omission of sexual orientation as a protected ground did not constitute a *Charter* violation.

Mr. Vriend appealed to the Supreme Court of Canada. There CASHRA intervened to support his position that the ground of sexual orientation must be read into the *Individual Rights Protection Act* to ensure that it accords with section 15 of the *Charter*.

Status: The Supreme Court heard the appeal in November 1997. A decision is expected in early April 1998.

Other Commission action

Letter to the Attorney General

In a letter to the Ontario Attorney General dated May 26, 1997, Chief Commissioner Keith Norton called upon the government to revise legislation that discriminates against gays and lesbians. Citing the Commission's study, which had found 65 Ontario statutes that rely on opposite-sex definitions of "spouse" or related terms, Mr. Norton proposed that the government begin by correcting 16 statutes that the Commission has identified as having particularly disadvantageous results for same-sex couples. The list contains legislation covering a range of issues, including access to employment benefits; ability to make decisions on behalf of children or loved ones who are unable to consent to treatment; inclusion in mourning rites for deceased partners; and access to succession rights upon the death of a spouse.

Mr. Norton pointed out that adjusting the legislation would ensure that Ontario's legislation complies with the *Canadian Charter of Rights and Freedoms*. Furthermore, it would benefit both the government and the general public by eliminating the need for costly litigation and re-litigation of the issues statut by statute.

Cost analysis research

Commission staff conducted a preliminary review of available research and information on the cost of extending employment benefits to same-sex couples. The data appears to show that extending benefits would *not* lead to adverse financial consequences for employers or insurance companies.

SEXUAL HARASSMENT

Since 1991, sexual harassment has been the fastest growing area of complaints in Ontario. This year, as every year, the Commission conducted numerous public education sessions and workshops on sexual harassment and the workplace. Commission staff also review hundreds of company policies to help organizations and companies reduce incidences of harassment and discrimination and to ensure compliance with the *Code*.

Commission cases

Rubio v. A Voz-Portuguese Canadian Newspaper Ltd. et al

(Board decision March 26, 1997)

The complainant worked for the respondent newspaper in a clerical capacity for one week in January 1993. She alleged that during that week, the personal respondent subjected her to a series of sexual harassment incidents. The personal respondent flatly denied ever harassing the complainant or that these events had caused her to quit.

Result: The board of inquiry concluded that the:

- personal respondent did initiate sexual advances towards the complainant in contravention of the *Code*, and that he knew or ought to have known that such advances were unwelcome
- complainant was constructively dismissed and such dismissal was in contravention of section 5(1) of the *Code*
- complainant's motive for making her complaint was not, as the personal respondent had argued, to discredit him in the Portuguese community, nor was she part of a larger conspiracy against the personal respondent
- complainant's motive for filing the complaint was in any event an irrelevant factor, which did not provide a defence to actions that would otherwise constitute a contravention of the *Code*

The board awarded the complainant $3,000.00 in general damages for her loss of dignity and mental anguish.

LaRush v. York Professional Fire Fighters Association, Local 411
(Board settlement May 2, 1997)

The complainant was the first female fire fighter hired by the City of York Fire Department. Upon starting her employment, she joined the respondent union. While working in the job, the complainant alleged that the male staff subjected her to differential treatment and sexual harassment. She was eventually terminated.

The complainant believed the union had not properly represented her in her dealings with management over the issues of differential treatment and sexual harassment, nor with respect to the grievance she wished to pursue following her termination. The complainant believed that she had received differential treatment on the basis of her sex by her union, and she filed a complaint against the union.

Result: In settling the complaint, the union agreed to:

- review its policy regarding family members working on the same shift
- provide an annual education seminar to apprise union executives of current issues and developments in human rights and employment equity
- implement a no-discrimination and anti-harassment policy with the City of York

Other Commission action

Vince inquiry

This fall the Commission appeared as an expert witness at the *Coroner's Inquest into the Deaths of Theresa Vince and Russell Davis*. Davis, who was Vince's manager from work, subjected her to intense harassment, then killed her and himself.

Although Ms. Vince had never contacted the Commission about her situation, the Coroner's report made a series of recommendations regarding the Commission's role in fighting sexual harassment. We support these recommendations; indeed, many of them coincide with initiatives the Commission already has underway. In response to the Inquest, however, the Commission undertook to:

- review complaint procedures to minimize difficulties or delays for anyone wishing to file a complaint
- enhance publicity and education initiatives in the area of sexual harassment and discrimination
- take the initiative to ask callers if they have personal safety concerns and to direct them immediately to appropriate authorities, *e.g.* the police, support groups or shelters, if violence seems likely

PREGNANCY

The Commission has continued its work to eliminate discrimination based on pregnancy, primarily through application of its new policy, published in last year's annual report, and public education work. Last year it also had the opportunity to defend (successfully) an important board of inquiry ruling at the Divisional Court level. That case is outlined below.

Commission cases

Crook v. Ontario Cancer Treatment and Research Foundation and Ottawa Regional Cancer Centre

(Divisional Court decision January 21, 1998)

The complainant was denied sick leave benefits in the period after the birth of her child when she was unable to return to work for health-related reasons. The respondents argued that the denial was not discriminatory and that, in any event, there was a full defence under section 25(2) in the *Code*.

Result at board: The board of inquiry found that the respondents' refusal to allow the complainant access to sick leave benefits after childbirth for the period she was unable to work for health-related reasons constituted direct discrimination on the basis of pregnancy and sex.

The respondents appealed that portion of the board decision ordering them to discontinue their practice of denying sick leave benefits to women who are on maternity or parental leave.

Result at Divisional Court: The Divisional Court dismissed the respondents' appeal and held that the board of inquiry had correctly found that:

- application of the employer's sick leave policy constituted direct discrimination on the basis of pregnancy and sex, and
- the defence contained in section 25(2) of the *Code* did not apply to the respondents in the present case because the sick leave plan was not offered pursuant to a group insurance contract

Other Commission action

The Commission developed a policy position for employers of unionized workplaces regarding employee rights to accrue seniority while away on pregnancy or disability leave.

SYSTEMIC DISCRIMINATION

Under section 32(2), the Commission has discretion to initiate complaints in its own name. Such complaints necessarily involve systemic issues, that is, situations where a rule, policy, or practice leads to indirect discrimination against people based on their membership in one or more of the groups protected by the *Code*. When the Commission becomes aware of such a situation but no individual complainants come forward, the Commission will initiate its own complaint. This year the Commission initiated complaints on two separate issues.

Commission cases

The Ontario Human Rights Commission v. the Corporation of the City of Toronto, AND
The Ontario Human Rights Commission v. the Toronto Firefighters Association, Local 113

In May 1996, the Commission initiated a complaint against the City of Toronto, alleging systemic employment barriers in the way it hires firefighters. During 1997, the City conducted another round of hiring, using the same procedures that led to the initial complaint. The Commission therefore amended its complaint to include this most recent hiring process.

At the same time, the Commission learned that the firefighters' union, by rejecting proposed procedures that would have ensured the hiring of qualified individuals from disadvantaged groups, had actually played an important role in maintaining the controversial hiring practices.

In December 1997, the Commission therefore initiated a separate complaint against the Toronto Firefighters' Association. According to the complaint, the Association had opposed new initiatives which would have resulted in fairer hiring practices and thus contributed to the failure to resolve the Commission's ongoing complaint against the City.

Status: Commission staff are currently investigating the complaint.

The Ontario Human Rights Commission v. the Ontario College of Nurses, AND The Ontario Human Rights Commission v. Her Majesty the Queen in Right of Ontario and the Ministry of Health

In the fall of 1997, the Commission initiated a complaint against both the Ministry of Health and the College of Nurses alleging indirect discrimination on the basis of age, ancestry, race, colour, ethnic origin and place of origin. The complaint stems from a regulation that the College introduced under which all nurses in Ontario must pass a specialized test and register with the college. The new requirements could have the effect of barring older experienced nurses – many of whom are close to retirement – from their profession and livelihood.

The Commission's concern centres around a small group of older nurses (approximately 200), most of whom come from minority racial groups and ethnic backgrounds. Requiring these nurses to prepare for and pass a comprehensive examination could impose a condition that might not be reasonable and *bona fide*, given that a less onerous accommodation of their needs was available, as recommended by the College of Nurses' own staff. Further, it is alleged that the Ministry of Health, which chose not to exercise its power to intervene, may be discriminating against the nurses by its failure to act.

Status: The Commission is currently investigating the complaint.

CODE INTERPRETATION AND COMMISSION DISCRETION

As mentioned under the "Accountability mechanisms" section of this report, parties to a complaint may apply to the Divisional Court for judicial review of certain Commission decisions. Specifically, they may ask for a review of decisions made under section:

- 34 (whether or not to deal with a complaint)
- 36 (whether or not to refer the subject matter of a complaint to a board of inquiry), and
- 37 (reconsideration by the Commission of its original decision under either section 34 or 36).

Court rulings on these applications help to clarify the scope of the Commission's discretionary powers and generally either endorse or reverse the Commission on its handling of complaints. The case descriptions outlined below explain rulings made in response to applications for judicial review during the last year.

Commission cases

Hall v. Ontario Human Rights Commission, Ministry of Community and Social Services et al.

(Judicial review December 17, 1997)

The applicant had filed a complaint against the respondents that alleged discrimination on the basis of disability in the provision of a service. A recipient of family benefits, the applicant had alleged that the respondent's refusal to provide her a level of benefits sufficient to cover the increased costs associated with her disability constituted discrimination. The Commission exercised its discretion to "not deal with" the complaint under section 34(1)(a) of the *Code*, on the basis that the complaint could be more appropriately dealt with under the provisions of the *Family Benefits Act*. The Commission upheld this decision through its process of Reconsideration.

The applicant applied for judicial review of the Commission's decisions.

Result: The Divisional Court allowed the application, finding that the Commission had erred by:

- fettering its discretion in employing too restrictive a test for its reconsideration decision, and
- insisting that the applicant file a separate complaint of reprisal instead of investigating her allegations of reprisal in the context of the original complaint

The Divisional Court referred the matter back to the Commission for reconsideration and ordered it to consider the allegations of reprisal.

Status: In January 1998, the Commission filed a motion for leave to appeal to the Court of Appeal.

Jazairi v. Ontario Human Rights Commission and York University
(Judicial review April 16, 1997)

The applicant had filed a complaint with the Commission alleging discrimination in employment by York University. Specifically, the applicant had alleged differential treatment because of political belief, arguing that the ground of "creed" in the *Code* includes political belief. The Commissioners decided not to refer this complaint to the board of inquiry. On reconsideration, that decision was upheld.

The applicant filed an application for judicial review.

Result: The Court held that different standards of review apply to different types of Commission decisions:

- When interpreting its legislation – for example, when determining the meaning of "creed" – the Commission must be *correct*.
- When exercising its discretion under the *Code* – as it does when deciding whether to refer a complaint to a board of inquiry – the Commission must not be *patently unreasonable*. That is, the court will defer to the Commission's decision unless it finds that decision to be patently unreasonable.

The Court dismissed the application for judicial review, holding that:

- "Creed" does not include mere political belief; creed requires an element of religious belief.
- The Commission is entitled to determine whether there is a "reasonable basis in the evidence" to warrant referring a complaint to the board.
- The Commission was entitled to have information about the settlement process when it made its decision.

Status: The Court of Appeal has granted the applicant leave to appeal on the question of whether the ground of "creed" includes political belief.

Enoch v. Ontario Human Rights Commission, The Municipality of Metropolitan Toronto et al.

(Judicial review October 16, 1997)

The applicant filed a complaint alleging discrimination in employment on the basis of race and ethnic origin. He had first contacted the Commission approximately one month after the alleged incidents of discrimination. Because of administrative delays within the Commission, however, the complaint was not filed until some 14 months after the alleged incidents.

Subsequently, the respondents requested that the Commission exercise its discretion not to deal with the complaint because it was untimely, in accordance with section 34(1)(d) of the *Code*. They noted in their request that the main personal respondent, who had been responsible for terminating the complainant's employment, had died.

In granting the request to "not deal with" the complaint under section 34(1)(d), the Commission found that the delay in filing the complaint had been incurred in good faith, however, it had caused substantial prejudice to the respondents because of the main personal respondent's death. The applicant filed an application for judicial review.

Result: In keeping with the *Jazairi* case outlined above, the Divisional Court held that:

- the Commission's discretionary power under section 34 should not be interfered with unless the Commission's decision is patently unreasonable

The court did not find the Commission's decision in this case patently unreasonable.

HUMAN RIGHTS PRINCIPLES

On occasion cases arise which challenge what we have come to accept as basic principles of human rights law. When this happens, the Commission takes quite seriously its obligation to defend the liberal, purposive interpretations upon which we base so much of our work. Two such cases made their way through the Court of Appeal level this year. Fortunately, both were successful in their outcomes.

Commission cases

Quereshi v. The Board of Education for the City of Toronto

(Court of Appeal decision January 10, 1997)

The complainant alleged that he had been discriminated against on the basis of his race, creed, colour, age, sex, ancestry, place of origin and ethnic origin after he was denied a teaching position by the respondents.

Result at board: The board of inquiry found the complainant's objective qualifications for the position to have been superior to those of the candidate who was offered the job and therefore ruled that the complainant had indeed been subjected to discrimination.

The respondents appealed to the Divisional Court.

Result at Divisional Court: The Divisional Court reversed the board's decision, holding that:

- since the board of inquiry had made no finding of direct discrimination, and there had been no allegation of *in*direct discrimination in the complaint, the respondents had met their burden of proof
- sections 4 and 8 of the *Code* (now renumbered as sections 5 and 9) did not prohibit *un*intentional discrimination

The Commission appealed the Divisional Court ruling to the Court of Appeal.

Result at Court of Appeal: The Court of Appeal reversed the Divisional Court's decision and restored the board's decision. The Court of Appeal held that:

- the board of inquiry had acted properly in reaching the conclusion that there was discrimination under section 4 (now section 5) of the *Code*
- section 5 of the *Code* prohibits unintentional discrimination

The Court of Appeal awarded costs in the amount of $8,500.00.

Status: The respondent applied for leave to appeal to the Supreme Court of Canada, but that application was denied.

Velenosi v. Dominion Management et al.

(Court of Appeal decision March 27, 1997)

The complainant alleged discrimination on the basis of age in the area of housing. Specifically, she alleged that she was denied an apartment because the respondents were looking for an "older couple" to take it.

Result at board: The board of inquiry found that:

- the complainant was subject to direct discrimination on the basis of age, and
- this discrimination was a "proximate cause" of the complainants being refused accommodation

The respondents appealed to the Divisional Court.

Result at Divisional Court: A majority of the Divisional Court reversed the board's decision and found that:

- in relying on statements that the respondent preferred an "older couple", the board based its finding of discrimination on "hunch speculation or, at the highest, indirect inference"

The Commission appealed the Divisional Court's decision to the Court of Appeal.

Result at Court of Appeal: The Court of Appeal allowed the Commission's appeal and restored the board's decision. The Court of Appeal:

- affirmed the principle that a prohibited ground of discrimination need only be *one* of the reasons – not the *only* reason – for an impugned action to constitute a *Code* violation
- found the board's reliance on the evidence that the respondents preferred an "older couple"sufficient to establish discrimination.

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Commissioners

Keith C. Norton, Q.C., B.A., LL.B.

Chief Commissioner

Keith Norton was appointed Chief Commissioner of the Ontario Human Rights Commission on July 18, 1996. He is an educator and a lawyer by training, having studied law at Queen's University in Kingston, as well as having received a diploma in education from the Ontario College of Education. He practiced criminal and family law in Kingston, Ontario, and taught at the secondary and post-secondary levels.

Mr. Norton is a former Minister of Community and Social Services and served as Parliamentary Assistant to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs. He has also served as Minister of Health, Minister of Education and Minister of Colleges and Universities.

As Minister of the Environment between 1981 and 1983, Mr. Norton became the first Canadian cabinet minister to be invited to testify before a Committee of the United States Senate. Throughout his career, Mr. Norton has championed issues related to persons with disabilities, senior citizens and the disadvantaged. He has also been involved in a number of business ventures.

Mr. Norton is a former President of the Canadian Human Rights Tribunal.

Cheryl Blondell

Cheryl Blondell was appointed to the Commission in February 1997. She is an Assistant Crown Attorney in the Ministry of the Attorney General. She formerly served as Criminal Duty Counsel with the Ontario Legal Aid Plan, where she advised and represented accused persons. Ms. Blondell worked for the Commission in the summer of 1989 as part of the team that created the Systemic Investigations Unit. She is vice-president of the Congress of Black Women.

Marie-Elisabeth Brunet

Marie-Elisabeth Brunet was appointed to the Commission in March, 1995. She is a freelance journalist who has done extensive work for the National Arts Centre's French Theatre department over the past several years. She also hosted and co-wrote the documentary series *Visontario* that aired on TVO for two years. A resident of Vanier, Ms. Brunet previously worked as a radio and television reporter for Radio-Canada, CJBC and CBLFT Toronto and as provincial coordinator for women's groups for Association canadienne française de l'Ontario, Ottawa. Ms. Brunet has been active in her community as a founding member of Comité Action de Sudbury. Her term ended February 18, 1998.

The Rev. Fr. William G. Cliff

Fr. Cliff was appointed to the Commission in February 1997. He is the Rector of St. James' Hanover and Trinity Church in Durham in the Diocese of Huron. He is a former member of the University of Western Ontario Senate, a Padre with the Royal Canadian Legion and a member of the Anglican Roman Relations Committee of the Diocese of Huron. A former Chaplain Intern at St. Joseph's Health Centre, London, he was trained at King's College and Huron College at the University of Western Ontario and has served congregations in London and Simcoe, Ontario.

Aida F. Graff

Aida Graff was appointed to the Commission in September 1994. She is a research associate at the University of Toronto's Victoria College, where she served as Dean of Women from 1976 to 1990. She is currently President of the board of the Arab Community Centre of Toronto, a settlement and social service agency. Dr. Graff has served on the Ontario Anti-Racism Working Group, and has been a member of the Ontario Cabinet Round Table on Anti-Racism.

Mitra S. Manesh

Mitra S. Manesh was appointed to the Commission in February 1997. She is the Executive Director of the Peel Multicultural Council, co-chair of the Ministry of Citizenship, Culture and Recreation's Policy Advisory Council, member of the Trillium Foundation Review Committee and past member of the Board of Directors of the Ontario Council of Agencies Serving Immigrants. Ms. Manesh is also past chair of the Peel Committee Against Woman Abuse.

Robert Milbourne

Robert Milbourne was appointed to the Commission in July 1992. A graduate of metallurgical engineering, Mr. Milbourne joined Stelco Steel in 1963 and has worked in various positions leading up to President, Chief Operating Officer and member of the Board of Directors. He is a member of a number of associations, including the Canadian Institute of Mining and Metallurgy, and was heavily involved in establishing the Occupational Health Clinic for Ontario Workers. His term ended February 18, 1998.

Richard Miles

Before his appointment to the Commission in July 1992, Richard Miles held senior administrative positions with the Ministry of Community and Social Services, the Federal Secretariat for Disabled Persons Office, and the Handicapped Action Group Incorporated in Thunder Bay. Mr. Miles was appointed by the Minister of Citizenship, Culture & Recreation to the task force which conducted a procedural review of the Ontario Human Rights Commission.

Marnie Paikin

Marnie Paikin was appointed to the Commission in September 1996. She is past President of the Canadian Council of Christians and Jews and a recipient of the Province of Ontario's "Outstanding Woman Award". She is a recipient of Her Majesty the Queen's Silver Jubilee (Canadian) Medal and the Human Relations Award of the Canadian Council of Christians and Jews. Ms. Paikin is currently a Director of Atomic Energy of Canada Ltd. and of Westcoast Energy Inc.

Peter Li

Peter Li is the General Manager of Ming Pao Daily News, Eastern Edition. He is a member of the Chinese Canadian Development Committee of the Hospital for Sick Children Foundation and sits on the Asian Business Committee of Metro Toronto and York Region's Junior Achievement. Mr. Li was a member of Canada Trust's Asian Advisory Council. He has also served as a Director of the Chinese Information and Community Services and was a past Vice-President of the Chinese Canadian Advertising, Media and Marketing Association. Mr. Li is a former General Manager of Hotel Victoria and Project Administrator of the Chinatown Centre. Mr. Li was appointed to the Commission in September 1997.

Nalin Kanuck

Nalin Kanuck was appointed to the Commission in September 1997. He is a Management and Financial Consultant. He is also an advisor on Race Relations to the York Region Board of Education. Mr. Kanuck is a former Justice of the Peace in Sri Lanka, a position that required him, among other judicial functions, to investigate human rights violations. He was also Chairman and Managing Director of the Regional Development Board in the Ministry of Regional Development in Sri Lanka. He also functioned as a Director of the National Youth Service Council in Sri Lanka's Prime Minister's Office. Mr. Kanuck has a Bachelor of Arts Degree from the University of Ceylon and an Executive Diploma in Public Administration from the University of Colombo, Sri Lanka. He was also awarded an Honorary Doctorate Degree in Public Administration by the City University of California. He is a graduate of the Canadian Institute of Certified Administrative Managers and a Fellow of the British Institute of Management, England.

Michel Lalonde

Michel Lalonde is Reeve of the East Hawkesbury municipal council, having served over the last 20 years as Councillor and as Deputy Reeve. In 1993, Mr. Lalonde served as Warden of the Council for the United Counties of Prescott and Russell. He was subsequently elected to the Council's executive, planning and public works committees. He received the Award of Merit for the County of Prescott for the year 1985 and also served as president of the Prescott Mutual Insurance Board and of the Hawkesbury and District General Hospital Board. A farmer by occupation, Mr. Lalonde is an active participant in the local farming community. He served from 1989 to 1996 on the board of directors of the Glengarry, Prescott and Russell Local Agricultural Employment Board and as president of the Prescott Peer Review Committee for Environmental Farm Plan from 1993 to 1997. He was appointed to the Commission in December 1997.

Claudette Robinson

Claudette Robinson is the coordinator of French Continuing Education at Sheridan College. She was appointed to the Commission in March 1998. Ms. Robinson is the author and co-author of several TVO French educational programs and has also co-authored a series of French reading books for schools. She has taught at the University of Ottawa and has been a consultant for the Halton Board of Education elementary and secondary schools.

Public Education

Organizations or groups participating in public education during this past year

- Human Resources Professionals' Association of London
- Achievement in Motion
- Transitional & Supportive Housing
- York Region Board of Education
- Liffey Custom Coatings
- Algonquin College
- Waterloo Employment Equity Network
- York Region Roman Catholic Separate School Board
- T.L. Kennedy School
- East Toronto Legal Services
- Sudbury-Manitoulin EAP
- Mindin Gross
- North Halton Cultural Awareness Council
- Centre for Independent Living in Toronto
- Association des Juristes/Reseau des femmes
- Dufferin Peel Board of Education
- Canadore College
- U of T Career Centre
- United Native Friendship Centre, Ft. Frances
- R.J. Professionals
- Labour Management Development Centre
- Municipal Employment Equity Network
- Students Acting for Global Equality
- Infonex
- Lesbian & Gay Pride Day
- Robert Half Canada Inc.
- Nishnawbe Education Council
- Ryerson Dept of Public Administration
- Human Resources Practitioners' Association of Ontario Chapter Presidents
- Muslim Educational & Cultural Association
- Elizabeth Fry Society of Toronto
- Queen's University Law School
- Kikkawa College
- Ontario Community Colleges Equity & Access Advisors
- Linguistic Services Protocol Training
- Kingston Police Services Board Advisory Committee on Race Relations
- Lang Michener
- Kent Industrial Training Advisory Committee
- Teamster's Local Union 91
- Kingston Police Services Advisory Board
- Centra Industries
- Ontario Universities Employment & Education Equity Network
- Algonquin College TES/FL Program
- Sudbury Police Services
- Casino Niagara
- Cambrian College: Community Agencies Meeting
- Centennial College: Legal Assistants Program
- Intercultural Neighbourhood Social Services
- Conestoga College
- Catholic Central High School, London
- Continuing Legal Education, Upper Canada Bar Association
- Peel Multicultural Council
- Niagara College
- Grand Council Treaty #3 (Kenora)
- North Bay Indian Friendship Centre
- Corporation of the City of Elliot Lake
- University of Western Ontario Law School
- Wikwemiking Unceded Indian Reserve
- Canadian Union of Public Employees Ontario Human Rights Conference
- McCarthy Tétrault (employment law group)
- City of Toronto - Access & Equity Services
- Interuniversity Disability Issues Association
- Insight Info Inc. "Wrongful Dismissal"
- Lambton College (Sarnia)
- Breakfast Club of Temple Anshe Sholom
- Clarke Institute
- Corporation of the City of Timmins
- Ontario Hospital Association
- Human Resources Practitioners' Association of Ontario Kent Chapter
- Human Resources Practitioners' Association of Ontario Peterborough Chapter
- Conference on Transgendered Rights
- Xpressions International and foundation for Gender Education

Mission Statement

OUR MISSION

The Ontario Human Rights Commission is committed to the elimination of discrimination in society by providing the people of Ontario with strong leadership and quality service:

- in the effective enforcement of the Ontario *Human Rights Code*; and
- in the promotion and advancement of human rights.

OUR VALUES AND PRINCIPLES

We Value Leadership

We are committed to:

- promoting a broad purposive interpretation of the Code so as to advance the cause of human rights; and
- the advancement of broader societal and human rights issues.

We Value an Informed Public

We are committed to:

- a strategic approach to public education, because we believe that an informed public contributes to the elimination of discrimination in society; and
- developing partnerships to advance human rights.

We Value Quality Service

We are committed to providing the highest quality service that is:

- accessible and flexible by developing the most effective way of providing service;
- sensitive to the diversity of the population served;
- equitable; and
- respectful of the dignity of each person and their right to be free from discrimination and to be kept fully informed.

We Value Consultation

We are committed to:

- consultation and participation of both the communities we serve and our staff in matters pertaining to the advancement of human rights.

We Value Effective Enforcement

We are committed to:

- an effective enforcement system that is objective, fair, accessible, sensitive and timely; and
- an enforcement process that offers options which meet the needs of different groups of users and parties in a complaint.

We Value Our Employees

We are committed to a workplace which:

- maintains equitable hiring and employment practices;
- encourages diversity in the workforce at all levels;
- does not tolerate any form of discrimination or harassment in the workplace;
- accommodates the special requirements of employees within the meaning of the *Code*;
- values and supports both corporate and self learning opportunities;
- expects and recognizes good performance;
- provides alternative working arrangements; and
- fosters positive, cooperative relationships and communication among the employees, employee representatives and the employer.

We Value Effective and Efficient Management

We are committed to:

- responsible fiscal management;
- allocating resources to enable the Commission to meet all of its responsibilities under the *Code*; and
- respecting the policies and procedures of the Ontario Public Service and the collective agreements.

Tables

Table 1: Grounds Cited in Complaints by Region of Registration

Total Number of Complaints Filed = 1,388

	Race & Colour	Ethnic Origin	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance	Record of Offence	Reprisal	No Grounds	Breach of Settlement	Total	Percentage
Eastern	16	9	4	41	26	5	8	3	5	48	2	0	6	3	0	**176**	**8**
Northern	24	2	2	25	19	4	8	7	3	45	1	0	3	0	0	**143**	**7**
Southwestern	73	33	26	74	28	17	26	5	12	119	5	9	33	3	0	**463**	**21**
Greater Toronto Region	376	135	36	217	115	32	63	27	31	268	7	9	66	26	1	**1409**	**64**
Total	489	179	68	357	188	58	105	42	51	480	15	18	108	32	1	**2193**	**100**
Percentage	22	8	3	16	9	3	5	2	2	22	1	1	5	1	0	**100**	

Note: In previous years, the Commission identified a primary ground for each case filed so that the total number of grounds reported each year was equal to the number of complaints filed. The decision in selecting a primary ground could be viewed as arbitrary, and therefore the Commission will report the total number of grounds cited each year since there is often multiple grounds cited in each case. As such, the total number of grounds cited wil consistently exceed the total number of complaints filed. However, this does not significantly detract from the proportional breakdown.

Table 2: Complaints Received by Provision and Ground

	Race & Colour	Ethnic Origin	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance	Record of Offence	Reprisal	No Grounds	Breach of Settlement	Total	Percentage
Services	95	38	27	28	3	17	21	9	7	85	3	12	15	4	1	**365**	**16.4**
Housing	31	5	0	2	1	3	2	4	11	19	11	0	2	0	0	**91**	**4.1**
Contracts	1	2	2	1	0	1	0	1	0	2	0	0	0	0	0	**10**	**0.2**
Employment	363	138	41	326	179	37	81	28	33	370	1	6	0	25	0	**1628**	**73.3**
Vocational Association	3	2	0	2	0	1	1	1	0	4	0	0	0	0	0	**14**	**0.6**
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0	109	0	0	**109**	**5**
Breach of Settlement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	**3**	**0.1**

Note: It should be noted that when recording grounds by social area, there is instances when multiple social areas may exist in a complaint, and therefore the reporting of grounds are higher than when viewing grounds by region as in Table I above.

In previous years, the Commission identified a primary ground for each case filed so that the total number of grounds reported each year was equal to the number of complaints filed. The decision in selecting a primary ground could be viewed as arbitrary, and therefore the Commission will report the total number of grounds cited each year since there is often multiple grounds cited in each case. As such, the total number of grounds cited wil consistently exceed the total number of complaints filed.

Table 3: Settlements Effected by Ground in Cases Mediated in 1997/98

Ground	Monetary Damages	# of Complainants Receiving Damages	Offer of Job	Special Program Implemented	Policy Development	Issuance of Documents	Apology/Regret
Race & Colour	$ 154,489	33	18	0	3	21	11
Ethnic Origin/Ancestry & Place of Origin	$ 106,108	22	12	0	0	12	12
Creed	$ 6,800	2	2	0	0	1	1
Sex & Pregnancy	$ 165,014	30	12	1	3	8	13
Sexual Harassment	$ 115,464	22	8	0	2	3	8
Sexual Orientation	$ 4,410	7	3	0	1	3	3
Age	$ 12,089	6	1	0	0	3	3
Marital Status	$ 64,975	4	3	0	0	1	1
Family Status	$ 73,675	5	1	0	0	0	1
Handicap	$ 353,523	27	17	0	2	13	10
Other	$ 81,100	9	3	0	0	1	2
Total	**$ 1,137,647**	**167**	**80**	**1**	**11**	**66**	**65**

Note: Data is not available for cases that settled through conciliation. The data in the above table only relates t cases mediated (167 Cases) which represents approximately 40% of the cases settled in the 1997/98 fiscal year. In 1997/98, 250 cases were mediated, 205 resulted in settlement, however statistical data was not collected for earlier cases and not all settlements resulted in a monetary remedy.

Table 4: Complaints Closed by Provision, Disposition and Ground

Employment

	Race & Colour	Ethnic Origin	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Marital Status	Family Status	Handicap	Public Assistance	Record of Offence	Reprisal, Breach, No Grounds	Total	Percentage
Board Appointed	0	0	0	13	2	0	0	0	0	2	0	0	1	18	1
Settled	79	24	7	128	24	8	25	10	17	106	0	0	13	441	29
Dismissed or not Pusued	151	47	3	69	5	6	29	3	9	117	0	1	19	459	31
Withdrawn/Abandoned	110	45	11	161	20	21	45	8	6	121	0	0	39	587	39
Total	**340**	**116**	**21**	**371**	**51**	**35**	**99**	**21**	**32**	**346**	**0**	**1**	**72**	**1505**	**100**

Accomodation

Board Appointed	2	0	0	0	0	0	0	0	1	1	5	0	0	9	4
Settled	8	2	0	4	2	2	0	3	5	5	7	0	3	41	21
Dismissed or not Pusued	11	2	0	8	0	1	3	3	10	9	10	0	7	64	33
Withdrawn/Abandoned	15	3	0	3	0	7	7	5	19	8	9	0	5	81	42
Total	**36**	**7**	**0**	**15**	**2**	**10**	**10**	**11**	**35**	**23**	**31**	**0**	**15**	**195**	**100**

Services

Board Appointed	2	0	1	0	0	1	2	0	0	2	0	0	0	8	1
Settled	17	2	1	4	1	3	2	0	0	26	0	0	2	58	11
Dismissed or not Pusued	87	35	25	35	0	27	28	4	26	59	24	0	7	357	68
Withdrawn/Abandoned	30	9	4	11	0	4	8	3	3	26	0	2	4	104	20
Total	**136**	**46**	**31**	**50**	**1**	**35**	**40**	**7**	**29**	**113**	**24**	**2**	**13**	**527**	**100**

Contracts, Vocational Associations, Reprisals, Breach of Settlements

Board Appointed	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Settled	0	0	0	4	1	0	0	0	0	2	0	0	1	8	38
Dismissed or not Pusued	2	1	2	0	0	2	3	0	0	1	0	0	1	12	57
Withdrawn/Abandoned	2	0	0	0	0	0	0	0	0	1	0	0	0	3	5
Total	**4**	**1**	**2**	**4**	**1**	**2**	**3**	**0**	**0**	**4**	**0**	**0**	**2**	**23**	**100**

Table 5: Complaints Closed by Industry

	Race & Colour	Ethnic Origin	Creed	Sex & Pregnancy	Sexual Harassment	Sexual Orientation	Age	Martial Status	Family Status	Handicap	Public Assistance	Reprisal, Breach, No Grounds	Total	Percentage
Manufacturing														
General Manufacturing	31	22	8	50	5	4	19	5	5	42	0	22	213	15%
Wood, Furniture, Paper	0	0	0	0	0	0	0	0	0	3	0	0	3	0.2%
Others	0	0	8	0	0	0	0	0	0	8	0	0	8	0.6%
Subtotal	31	22	8	50	5	4	19	5	5	53	0	22	224	15.3%
Agriculture/Resources	2	0	0	3	0	1	1	0	0	3	0	2	12	0.8%
Construction	2	2	0	1	0	1	1	1	1	1	0	3	13	0.9%
Transportation, Utilities & Communication	1	2	1	2	0	1	1	1	1	4	0	6	20	1.2%
Trade & Retail	20	11	2	22	4	3	13	2	6	36	0	21	140	9.5%
Finance, Insurance & Real Estate	9	8	3	15	1	6	11	2	13	14	0	9	91	6.2%
Business - General	5	5	0	12	0	2	5	3	6	9	0	6	53	3.6%
Service Industry														
Schools, Colleges, Universities	23	18	6	21	0	5	12	4	6	19	0	14	128	9%
Gov't Services/Public Admin./Policing	24	51	21	61	5	35	31	14	35	94	0	41	412	28%
Health Services	15	14	0	11	1	4	7	3	7	26	0	14	102	7%
Employment Agencies	0	0	0	0	0	0	0	0	0	0	0	0	0	0%
Hotels, Restaurants, Hospitality	17	7	1	28	5	7	5	3	1	14	0	14	102	7%
Others	59	12	9	20	0	9	9	2	9	21	1	12	163	11%
Subtotal	177	130	43	196	16	74	96	35	85	241	1	142	1236	84.6%
Unspecified/Not Applicable	0	0	0	0	0	0	0	0	0	0	0	0		
Total	208	152	51	246	21	78	115	40	90	294	1	164	1460	100%

Table 6: Complaints Closed By Year & Disposition

	Not Deal With	Dismissed	Board	Settled	Abandoned	Withdrawn
1994/95	336	168	46	293	92	305
1995/96	331	248	37	359	87	312
1996/97	343	176	28	314	123	376
1997/98	304	169	30	379	128	450

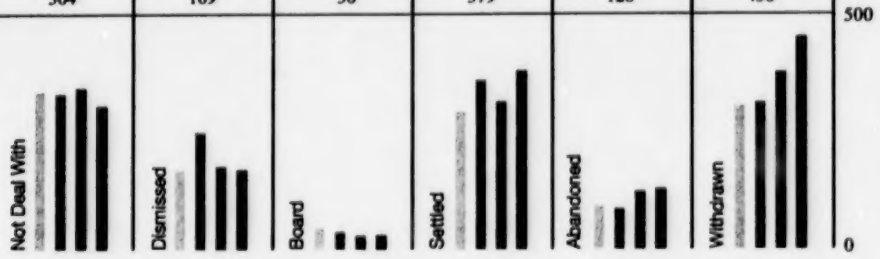
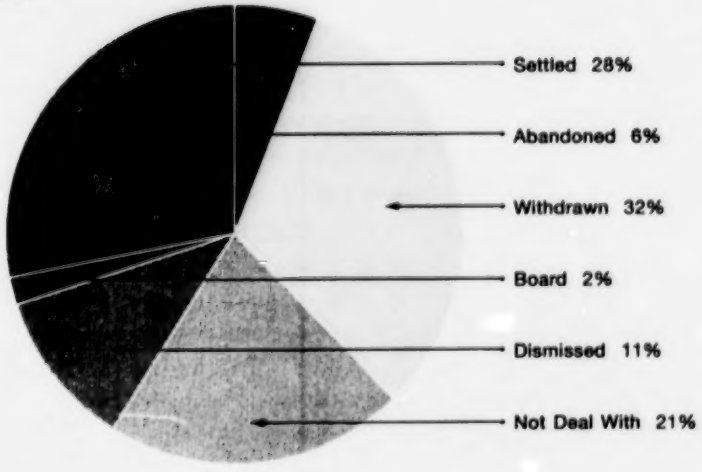


Table 7: OHRC Disposition of Closings

Closing Dispositions – 97/98



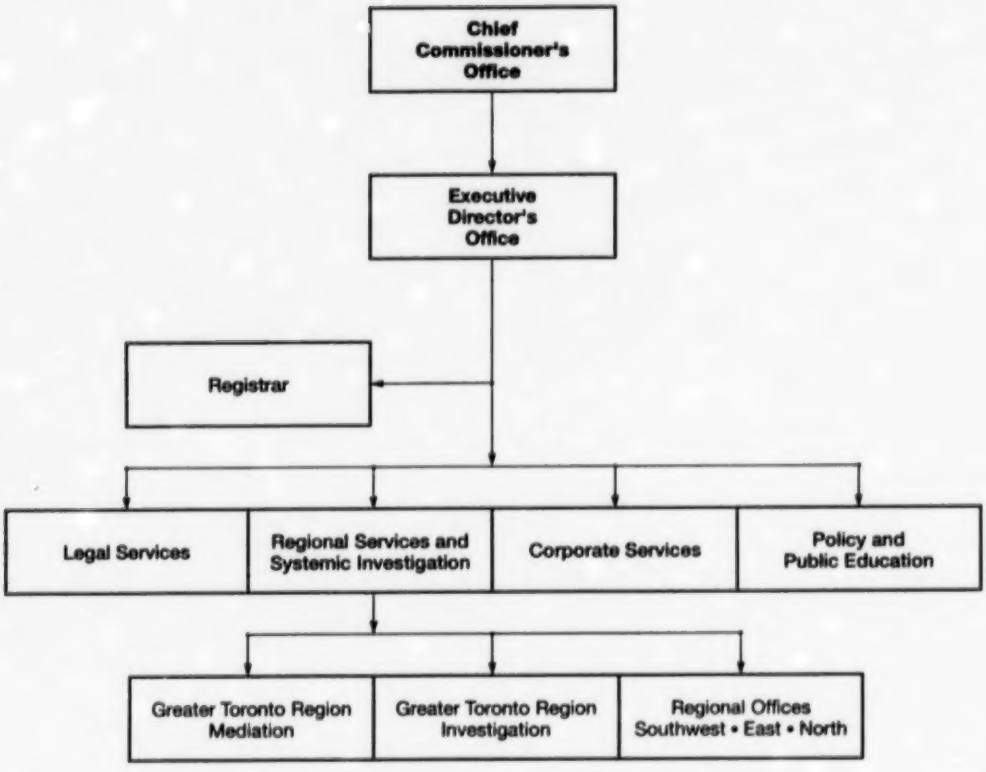
Financial Position

1997-98 Year End Financial Position ($ 000's)

	1997-98 Printed Estimates	Year-End Budget Adjustments	Revised Budget Mar 31, 1998	(Interim) Actual Expenditure Mar 31, 1998	1997-98 Year-End Variance $	1997-98 Year-End Variance %**
Salaries & Wages	8,032.5	338.1	8,370.6	7,050.7	1,319.9	10.9
Employee Benefits	1,343.8	530.7	1,874.5	1,917.6	(43.1)	(0.4)
ODOE	1,898.9	0.0	1,898.9	3,146.5	(1,247.6)	(10.3)
Total	11,275.2	868.8	12,144.0	12,114.8	29.2	0.2

** As a percentage of the March 31, 1998 revised budget of $12,144.0.

Organizational Chart



Boards of Inquiry

FINAL DECISIONS

Age

Potocnik v. City of Thunder Bay

Ancestry

Barclay v. Royal Canadian Legion, Branch 12 et al.

Khalil v. Ontario College of Art et al.

Colour

Barclay v. Royal Canadian Legion, Branch 12 et al.

Daniels v. Regional Municipality of Hamilton-Wentworth Police Services Board et al.

Etienne v. Westinghouse of Canada Ltd. et al.

Khalil v. Ontario College of Art et al.

Creed

Shapiro v. The Regional Municipality of Peel et al.

Ethnic Origin

Etienne v. Westinghouse of Canada Ltd. et al.

Khalil v. Ontario College of Art et al.

Family Status

Andrews v. Ptasznyk

Harassment

Bridson v. Marathon Public School

Daniels v. Regional Municipality of Hamilton-Wentworth Police Services Board et al.

Rubio v. Voz-Portuguese Canadian Newspaper Ltd. et al.

Place of Origin

Etienne v. Westinghouse of Canada Ltd. et al.

Khalil v. Ontario College of Art et al.

Race

Barclay v. Royal Canadian Legion, Branch 12 et al.

Bridson v. Marathon Public School

Daniels v. Regional Municipality of Hamilton-Wentworth Police Services Board et al.

Etienne v. Westinghouse of Canada Ltd.

Khalil v. Ontario College of Art et al.

Reprisal

Bridson v. Marathon Public School

Khalil v. Ontario College of Art et al.

Sex

Khalil v. Ontario College of Art et al.

Potocnik v. City of Thunder Bay

Rubio v. Voz-Portuguese Canadian Newspaper et al.

Sexual Orientation

Bewley v. The Ministry of Consumer & Commercial Relations et al.

Hudler v. The Corporation of the City of London et al.

McCallum v. TTC

Sexual Solicitation

Khalil v. Ontario College of Art et al.

Rubio v. Voz-Portuguese Canadian Newspaper Ltd. et al.

SETTLEMENTS

Age

White v. The Ontario English Catholic School Teachers Association Frontenac, Lennox and Addington Units

Ancestry

Keon v. Cambrian College et al.

Wong v. Toronto Hydro et al.

Association

Seguin v. Ininew Friendship Centre

Colour

Wong v. Toronto Hydro et al.

Ethnic Origin

Wong v. Toronto Hydro et al.

Family Status

LaRush v. Corporation of the City of York Fire Dept. et al.

Williams (a.k.a. Tardif) v. Portincasa

Handicap

Devoe v. Sharon Hollingsworth

Pougnet v. Tricon Global Restaurants (Canada), Inc.

Silva v. Modern Building Cleaning Inc.

Whittaker v. Fuller Metric Parts et al.

Harassment

Keon v. Cambrian College et al.

LaRush v. Corporation of the City of York Fire Dept. et al.

Seguin v. Ininew Friendship Centre

Wass v. Star Mail Inc. et al.

Martial Status

LaRush v. Corporation of the City of York Fire Dept. et al.

Sharpe v. Mutual of Omaha Insurance Co. et al.

Race

Blackburn v. Niagara Regional Police Services Board et al.

Keon v. Cambrian College et al.

Wass v. Star Mail Inc. et al.

Sex

LaRush v. Corporation of the City of York Fire Dept. et al.

Seguin v. Ininew Friendship Centre

Wass v. Star Mail Inc. et al.

DIVISIONAL COURT – JUDICIAL REVIEWS & APPEALS

Creed

Jazairi v. OHRC & York University et al.

Ethnic Origin

Enoch v. OHRC & The Municipality of Metropolitan Toronto et al.

Handicap

Devlen v. OHRC & LCBO et al.
Entrop & OHRC v. Imperial Oil Ltd
Glen Corporation et al. v. Ontario Human Rights Commission.
Hall v. OHRC & The Ministry of Community & Social Services et al.
Hines v. OHRC
Trest v. OHRC

Race

Enoch v. OHRC & The Municipality of Metropolitan Toronto et al.

Sex

Barnes, Holder & Jones v. OHRC & The Toronto Hospital, General Division
Bourne et al. v. OHRC and The Ontario Institute for Studies in Education
Ontario Cancer Treatment & Research Foundation, Ottawa Regional Cancer Centre v. OHRC (Crook case)

COURT OF APPEAL

Age

Velenosi v. Dominion Management et al.

Race

Farooqui v. OHRC & McDonnell Douglas Canada Ltd. et al.

SUPREME COURT OF CANADA

Age; Ancestry; Colour; Creed; Ethnic Origin; Place of Origin; Race; Sex

Quereshi—Leave to appeal to Supreme Court of Canada denied

Publications of the Commission

- Employment Application Forms & Interviews
- Guidelines for Assessing Accommodation Requirements for Persons with Disabilities
- Accommodation for Persons With Disabilities
- Policy On Sexual Harassment & Inappropriate Gender-Related Comments and Conduct
- Sexual Harassment and Other Comments or Actions About a Person's Sex
- Policy on HIV/AIDS – Related Discrimination
- Exceptions to the Equality Rights Provision of the Ontario *Human Rights Code* as they relate to the workplace
- Policy on Racial Slurs & Harassment & Racial Jokes
- Racial Harassment & Comments About a Person's Race
- Policy Statement on Height and Weight Requirements
- Annual Report
- Policy on Drug & Alcohol Testing
- Policy on Requiring a Driver's Licence as a Condition of Employment
- Policy on Employment Related Medical Information
- Declaration of Management Policy
- Guidelines on Special Programs
- If You Have a Human Rights Complaint – A Complainant's Guide
- Know Your Rights Series:
  - Sexual Orientation and the HR Code
  - Aids & Aids-Related Illness and the HR Code
  - Female Genital Mutilation
- Human Rights in Ontario
- Developing Procedures to Resolve Human Rights Complaints Within Your Organization
- Policy on Scholarships and Awards
- Policy on Discrimination and Language
- If You Receive a Human Rights Complaint – A Respondent's Guide
- Policy on Creed and The Accommodation of Religious Observances
- Policy on Discrimination Because of Pregnancy
- Guidelines on the Application of Section 34 of The Ontario Human Rights Code
- A Guide to Mediation Services
- Policy on Female Genital Mutilation (FGM)

Code of Ethics

The Ontario Human Rights Commission is among the first government agencies to introduce a Code of Ethics and Professional Conduct Standards. Currently, the Centre for Leadership and the Management Board Secretariat are conducting research regarding the implementation of a Code of Ethics for all Ontario civil servants. However, due to the specific nature of the work that the Commission does, and the degree of scrutiny to which the Commission is subjected, it is appropriate that the Commission maintain its own Code of Ethics.

A Code of Ethics will assist us in defining who we are, what we stand for, how we do things, and how we conduct ourselves. The consulting firm of EthicScan Canada was retained to develop a Code of Ethics and Professional Conduct Standards for the Ontario Human Rights Commission. The project, which was announced to staff by the Executive Director in September 1997, was completed within a three month time period.

The development of the Codes of Ethics and Professional Conduct Standards included a review of the work conducted in this area by other Human Rights and fair practice Commissions in North America and Europe. The Ethics Committee, which consisted of staff from various positions and locations within the organization contributed to the formulation of this document. The committee not only participated in a variety of focus groups with EthicScan representatives but also provided input into the final draft.

Staff was invited to participate in the development process. Approximately 20 staff members from across the Commission took advantage of this opportunity, either on a volunteer basis or through a selection process. They participated in confidential personal interviews with EthicScan representatives. The results of these interviews have been incorporated in the final report.

A subsequent phase of the project involved the organization of focus groups. Members of the focus groups included: complainants and respondent advisors; representatives from social advocacy groups; and union and professional associations. Their comments and suggestions were incorporated in the final version of the Code of Ethics and Professional Conduct Standards.

The Ethics Committee submitted its final draft report to Senior Management for their review in December 1997. On February 2, 1998, the Executive Director distributed the Code of Ethics and Professional Conduct Standards sections of the report to all Ontario Human Rights Commission staff and requested that they review the document and provide their comments for review by senior management and the Chief Commissioner. Staff were also advised at that time that the full report would be available in each of the regional offices and branches.

The Chief Commissioner and Senior Management reviewed the final document prior to its placement on the agenda of the March 1998 Commission meeting. Upon review by the Commissioners, the Code of Ethics was approved at the March 17, 1998 Commission meeting.

CREDO

In accomplishing its mission, all policies, practices and decisions of the Ontario Human Rights Commission shall promote and reflect ethical principles.

UPHOLD PRINCIPLES OF THE ONTARIO HUMAN RIGHTS CODE

The Commissioners and staff of the Ontario Human Rights Commission shall uphold the principles of the Ontario *Human Rights Code* as expressed in its preamble.

Commissioners and staff shall perform their duties in a manner that is free from discrimination and harassment, and promotes equality and fairness. The Commission shall provide mechanisms for dispute resolution regarding discrimination and harassment that are neutral, fair to all parties, free from reprisal, and in compliance with the Ontario *Human Rights Code* and other legislation. The Commission shall pursue its legislative mandate with commitment and dedication, in order that it is perceived to have a major role in addressing, demonstrating and promoting human rights in Ontario.

Commissioners and staff shall be conscientious and respectful of all members of the public in their pursuit of the legislative mandate of the Human Rights Commission to remove discrimination and harassment through mediation and investigation of complaints, and by actively promoting human rights through policy initiatives and public education.

Professional Conduct Standards:

1. Corporate Commitment to Human Rights

The Ontario Human Rights Commission shall provide for equal rights and opportunities without discrimination that is contrary to law. This will be accomplished through engaging in educational, training and policy initiatives; offering high quality complaint-response services; and providing timely and regular information about the purpose and activities of the Commission.

The Commission has a legislative requirement to address societal discrimination beyond the merits of human rights complaints. The Commission shall exercise its right to initiate its own complaint if this is in the public's interest. This includes maintaining an effective means of monitoring and dealing with human rights issues, citizen complaints and discrimination-related inquiries. In addition, the Commission is required to publicise settlements that may have broad sectoral impact on human rights, as well as public reporting on such statistics.

2. Staff Commitment to Human Rights

All staff, by their actions, shall demonstrate their appreciation, of and support for, the principles of the Ontario *Human Rights Code*. If during the course of duty, staff discovers unlawful discriminatory practices, staff will report the matter to management and seek to correct them, using due process, and seek preventive or remedial action to counteract their harmful effects. This means upholding notions of procedural fairness and neutrality in specific cases, while actively supporting and enforcing the principles of the Ontario *Human Rights Code* through public education and by serving as an informed, reliable source of information on matters pertaining to the Ontario *Human Rights Code*.

3. Integrity of Services

Staff shall listen carefully to public questions and complaints, and help individuals to resolve claims of discrimination and/or harassment. This includes treating complainants and respondents with dignity, and helping citizens to make direct contact with appropriate offices or agencies that can best deal with their complaints. Staff must ensure that complainants acknowledge and agree that the contents of their complaint are their version of the events. Respondents have the right to be informed that a complaint has been filed and they must be given the opportunity to respond to the allegations.

Staff shall seek resolutions that remedy discriminatory practices and prevent their recurrence. Staff shall not support proposals for settlement that undermine the interests of the public or which might tend to place the Commission in disrepute. During the investigation process, staff search for all the evidence related to the complaint by interviewing all persons having information with regard to the complaint, examining appropriate policies and documents and case law and preparing for the Commission a report outlining the facts with a recommendation for their decision.

INTERNAL RELATIONSHIPS

Relations and interactions on the part of the Commissioners and staff shall reflect the principles and intent of the *Code*, in a spirit of equality, fairness and mutual respect.

In dealing with one another, Commissioners and staff shall conduct themselves in a manner that is ethical, considerate, respectful of others, and in harmony with the purposes and intent of the Commission.

Where there is a perceived breach of ethics, Commissioners and staff shall be able to seek assistance from the Ethics Advisor and are encouraged to report the situation to a person in the management of the Commission.

Professional Conduct Standards:

1. Reflect Principles of the Code

Senior Management and staff shall make every reasonable effort to enhance the quality of staff relations. The principles of respect, openness and trust that the Commission practices with the public should be reflected internally in its dealings with staff, and vice versa. Likewise there should be coherency between the *Code* and internal work practices.

2. Respect for Staff Rights

Staff has the right to expect to be treated honestly, fairly, and with respect. The Commission should strive to establish procedures to ensure thoughtful and objective review of employee concerns, consistent with the collective bargaining process, tools for communicating mutual respect and reinforcement of an ethical decision-making process.

3. Ethics Advisor

The Commission will appoint an Ethics Advisor who shall have responsibility to advise, in confidence, individuals on ethical dilemmas at work. Staff will be encouraged to consult the Advisor for trusted and knowledgeable advice, preferably before seeking resolution of an ethical dilemma from other more formal sources. Once a year, the Advisor will report to the Commission about the nature of concerns, not the particulars, and make suggestions regarding enhancing ethics in the workplace.

4. Hiring and Promotion

Fairness and due process in the hiring and promotion of staff require that all steps as laid out in the Human Resources Directives and Guidelines, as well as the collective bargaining agreement, are followed. This includes: a physical demands analysis; clarification of essential duties; appropriate selection criteria; review of appropriate skills and experience; selection of area of search; and appropriate distribution of advertising. The Commission will use this process to encourage diversity at all levels.

5. Ethics in Job Specifications

In order to reinforce ethics in interpersonal relations, job specifications shall be adjusted to include ethical considerations. The Commission will strive to acknowledge and reinforce ethically superior practices, using tools such as recognition, developmental opportunities, and training.

6. Code of Ethics Review

Violations of the Code of Ethics will be reviewed as part of the Performance Management System.

DEMONSTRATE INTEGRITY

Commissioners and staff shall demonstrate integrity in all aspects of their duties.

Commissioners and staff shall neither invite nor accept gifts from complainants, respondents, their representatives or other parties, or from any member of the public in the carrying out of their duties and shall abide by the Rules of Conduct for Public Servants.

Commissioners and staff shall not engage in any form of discrimination or harassment that are contrary to law, either within or external to the Commission. Commissioners and staff shall ensure that their personal biases do not compromise the Commission's role in promoting equality of human rights.

Commissioners and staff shall uphold the public trust and demonstrate integrity in all their dealings with the public. This will be accomplished by ensuring there is no misuse of power or knowledge acquired through their position at the Commission, including no gain, profit, self-dealing, improper use of inside information, advancement or benefit accruing to them or members of their immediate family.

Professional Conduct Standards:

1. Integrity of Commissioners

Commissioners shall demonstrate the highest standards of public service, including disclosure of any financial or other interest in an organisation or agency that appears before the Commission. Commissioners shall act in the public interest with fairness toward all and not just a few or a limited group. They will demonstrate personal integrity in their decisions, including the highest standard of professionalism at work, avoid conflict of interest, and neither invite nor accept gifts. Further, they will ensure that personal biases do not compromise the Commission's role of assessing complaints as they determine whether or not a complaint should not be dealt with or referred to the Board of Inquiry.

2. Integrity of Management

Management shall demonstrate the highest standards of public service, including disclosure of any financial or other interest in an organisation or agency that appears before the Commission. Directors and managers shall neither invite nor accept gifts nor put themselves in a position where one is, or appears to be, under obligation to a person, party or organisation and where one might benefit from the resolution of a complaint.

3. Integrity of Staff

Staff shall offer professional service to all members of the public; and shall treat all persons making information requests with dignity, respect and the intent to provide helpful information consistent with the values of the *Code*. Staff shall neither invite nor accept gifts and should not place themselves in a position where they are, or appear to be, under obligation to a person or organisation and where one might benefit from the resolution of a complaint.

4. Integrity as a Standard Beyond Legal Compliance

Commissioners and staff shall perform their official duties so as to conserve and enhance the integrity and objectivity of, as well as public confidence in, the Commission. Employees have an obligation to act in a manner that will bear public scrutiny, an obligation that is not fully discharged simply by acting within the law.

5. Outside Employment

Staff must act in a manner which complies, in letter and spirit, with the *Public Service Act* (Regulation 977, Section 15) which prohibits them from engaging in any outside work or business undertaking which:

(a) interferes with the performance of their duties;

(b) is a competitive advantage accruing to their public service position;

(c) which is *de facto* full time employment; or

(d) is likely to influence or affect the carrying out of their duties.

6. Conflict of Interest and Post Employment Rules

Staff will adhere to existing Government guidelines and procedures related to conflict of interest, corporate and travel account and post-termination, post-retirement and surplusing from employment.

MAINTAIN NEUTRALITY

Commissioners and staff shall be, and shall be perceived to be, neutral and without personal or corporate bias in their duties.

Commissioners, in reviewing human rights complaints, shall be neutral and unbiased in their analysis and assessment of information and data, and in their subsequent decisions and judgements.

Commissioners and staff shall be neutral, truthful, and unbiased in their response to inquiries, in their procedures for intake, and in staff's recommendations to Commissioners.

Professional Conduct Standards:

1. The Principle of Neutrality

In carrying out their duties, inquiry and intake officers, mediators, investigators, legal, policy, public education and all staff working for the Ontario Human Rights Commission shall be, and appear to be, neutral in their professional dealings. However, staff is not neutral with respect to the purpose or values of the *Code* and the public interest.

During mediation, the mediator serves as an impartial third party who attempts to facilitate the resolution of a complaint. Mediators shall not act where there is a personal interest incompatible with the unbiased exercise of official judgement. To further maintain neutrality, a mediator shall have no contact with the parties before mediation. Because the mediation process is strictly confidential, staff must ensure that any statement made by a party during mediation, or any information obtained from a mediation meeting, will not be admitted as evidence at any further stage of the process, including at the

Board of Inquiry. Legal and policy staff assisting them will act accordingly. However, in accordance with the "Guidelines for Dealing with Challenging Customers", staff who become aware of a criminal threat or offence shall report it to their immediate supervisor.

Investigators shall conduct impartial investigations. They should be fair and unbiased but, since their job is to protect the public interest, they must be advocates for the *Code*, legislation and its enforcement rather than advocate for either complainants or respondents. Their obligation is to collect information related to the complaint, analyze and evaluate it, and subsequently make recommendations to the Commission. Legal and policy staff assisting them will act accordingly about appropriate disposition.

2. Reporting Offers of Gifts, Benefits, Gratuities and Hospitality

Commissioners and staff shall act in a manner that complies with the provision of the *Criminal Code* and the Rules of Conduct for Public Servants which make it an offence for government officials to demand, accept, or offer to accept for themselves or any other person any advantage or benefit, whether direct or indirect, for any act or omission which is connected with or related to the business of government.

Notwithstanding this rule, incidental gifts, hospitality or benefits are not prohibited if they:

(a) are within the normal bounds of propriety, a normal expression of courtesy, or within normal standards of hospitality;
(b) would not bring suspicion upon the employee's objectivity and impartiality; and
(c) would not compromise the integrity of the Commission.

The Executive Director may require for staff and the Chief Commissioner may require for Commissioners that a gift be retained by the Commission or disposed of for charitable purposes. Where it is not possible to decline an unauthorised gift, hospitality or benefit, Commissioners must report the matter immediately to the Chief Commissioner and staff must immediately report the matter to the Executive Director for direction.

3. Personal Bias

Commissioners and staff shall excuse themselves from any public service duty or transaction where they have, or may appear to have, a conflict of interest that compromises their objectivity and/or where a reasonable person could conclude that personal beliefs are a driving force in determining case outcomes that violate the provisions of the Ontario Human Rights Code. If a conflict arises between the personal interests of a Commissioner or an employee and the official duties and responsibilities of that person, the conflict shall be resolved in favour of the public interest.

STANDARDS OF QUALITY PUBLIC SERVICE

The Commissioners and staff shall provide the highest quality service that is accessible, flexible and sensitive to a diverse population. Services must be equitable and respectful of the dignity of all persons and their right to be fully informed and free from discrimination. As such, the process must be and be perceived to be reasonable, transparent and committed to fairness and the principles of natural justice, as well as is in compliance with the law.

The services provided by the Ontario Human Rights Commission must be timely, accessible, efficient, confidential and respectful of the individuals involved in all areas of the Commission's work, from the complaint process to policy development.

Professional Conduct Standards:

1. Standards of Public Service

Commissioners and staff shall serve the public in a manner that meets established standards of service and which displays sensitivity to the expectations and values of the public they serve. This includes intake and inquiry practices that are helpful and expeditious; mediations and investigations that are prompt, fair, respectful of the integrity of all parties and without personal or socio-economic bias. Commissions' decisions should uphold the principles of the *Code* while demonstrating administrative fairness and natural justice.

2. Public Information

Commissioners and staff have an obligation to ensure that information is accessible, user friendly, complete, understandable and truthful.

3. Public Education

Commissioners and staff are responsible for promoting the Ontario *Human Rights Code* and the mandate by giving information and by providing the general public with an opportunity to interact with the Commission.

4. Caseload Management

In pursuit of administrative efficiency, staff are expected to exercise good judgement in using efficient and effective case management procedures:

(a) provide administrative fairness to all parties;

(b) prevent periods of inactivity;

(c) respond effectively to situations that require immediate attention; and

(d) satisfy the purpose of the Ontario *Human Rights Code*.

5. Information to Parties

Complainants, respondents and related parties should have confidence that information regarding the status of their cases will be available. Written case analyses containing staff recommendations shall be disclosed to them. Under the Freedom of Information and Protection of Privacy rules, Commission staff will respond to requests for information.

MAINTAIN PUBLIC CONFIDENCE AND TRUST

Commissioners and staff shall ensure that their conduct and decisions are performed in a manner that is fair and reasonable.

The Commission's services and communications with the public will be clear and honest; all procedures will be respectful of the people involved, transparent, and be perceived to be fair, reasonable and consistent.

Professional Conduct Standards:

1. Referral to Other Organizations

The Ontario Human Rights Commission should enjoy a broad measure of public confidence and trust if its processes are open, honest, well organized, and accessible and if its decisions are perceived to be compassionate, fair, and consistent with the *Code*. Where complaints are denied because another agency is more suitable to address these concerns, the reasons for referral shall be clearly communicated, preferably as early in the complaint process as possible, to ensure that complainants are left with effective options.

2. Commission Decisions on Merit

The Commission's reputation is enhanced when it is seen to lead in the area of specialised human rights investigations. The fact that an alternative process exists elsewhere, as outlined in Section 34, does not necessarily mean that the Commission will make a decision not to deal with a file. For example, certain types of harassment or cases reflecting complex human rights issues may require in-depth investigation that are better suited to a Human Rights Commission. Every case will be decided on its own facts and merits. Nothing in this Code of Ethics is meant to fetter the decision making authority of the Commissioners under the Ontario *Human Rights Code*.

3. Public Relations

The Commission shall respect the right of the public through the media to know what is going on within the organisation, when this is in the public interest. To enhance credibility and effective communications, the Commission may designate spokespersons to speak on its behalf to the media. The general public has a right to expect accurate reports from Commissioners and staff regarding the Commission's processes, procedures and policies.

4. Freedom of Information with Respect to Settlements

In order to guard the public trust and respect as well as the confidentiality and integrity of the Commission's process, the Commission shall abide by the terms of *The Freedom of Information and Protection of Privacy Act* when releasing information regarding a particular case.

5. Case Related Information

The Commission will initiate public information on a case when a settlement, a Board of Inquiry decision or a Commission decision to refer the case to the Board of Inquiry is in the public interest, provides for broad applicability or offers potential to establish an important precedent or affect industry-wide or geographically widespread practices.

6. Transparency

The general public has a right to information about the programs and services of the Commission in a format that is understandable and accessible. Anyone making use of the Commission's services should be informed of what they can expect in terms of the complaint process and its duration.

7. Accountability

The Commission shall annually set out the priorities for the organisation and establish clear measures of performance in terms of quality and timeliness of service. In addition, the public should be informed regularly of the results achieved by the organisation. This provides for a strong accountability between the organisation and the public it serves. The Commission is also accountable through the Minister of Citizenship, Culture and Recreation to the Legislature for program results and the effective expenditure of public funds.

8. Investigative Ethics

Investigative practices and the collection of evidence should occur without resorting to deceit. Misleading interviewees reduces personal trust, undermines the credibility of the Commission, erodes confidence in the process, and jeopardizes the admissibility of testimony. "Testing" may be undertaken in specific investigative circumstances, provided that no entrapment is involved and that non-Commission staff are used. External independent expertise should be sought when required. Officers should seek only that amount of evidence that is needed to make an informed recommendation to the Commission. The public has a right to expect that officers will conduct all investigations thoroughly and professionally, without bias, and within the constraints established by the Commission's Enforcement Procedures Manual and the Ontario *Human Rights Code*. The Commission has a duty to direct an investigation so that all complaints are investigated fairly, honestly and appropriately.

9. Personal Use of Inside Information

The public's confidence and trust are weakened when Commissioners, staff or related parties personally benefit from unfair access to proprietary information. It is for this reason that all staff sign an Oath of Office and Secrecy form. Commissioners and staff shall not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and responsibilities, and which is not generally available to the public. Commissioners, like other government appointees, are enjoined by a Management Board directive (May 1986) not to use information obtained as a result of their appointment for personal benefit.

10. Security of Information

The public's confidence in the system is enhanced when Commissioners and staff ensure the security of printed and electronic information in their possession.

SUPPORT CORPORATE GOALS

Commission staff shall support corporate goals and strategies developed to fulfil the intent and purpose of the Commission's mission.

Staff of the Ontario Human Rights Commission will perform their duties and relate to each other in the workplace with honesty, diligence and fairness. Staff should have knowledge of the corporate mandate and support it through the fulfillment of their duties.

Professional Conduct Standards:

1. Individual Accountability

Corporate goals require that staff recognise the proper authority of appointed or elected superiors; not engage in, or accept illegal or unprofessional conduct from others; and be prepared to constructively discuss issues of this kind with co-workers and management. Staff shall provide truthful and accurate information and advice to Commissioners; be expected to support the responsibilities and efforts of co-workers; and avoid behaviour that is inconsistent with the goals of the Commission and/or practices outlined in the collective bargaining agreement.

2. Dealing with Ex-Employees

In order for business practices to appear to be unbiased, the Commission requires as part of contracting for services, to identify former employees of the Commission who work for the organisation or firm.

3. Appropriate/Reasonable Use of Government Property

The Commission expects that staff shall not directly or indirectly use or allow the use by others of government property for anything other than for official use. This includes facilities, equipment and automobiles. In special circumstances, and with prior approval of a direct supervisor, Commission equipment such as computers may be used to support work-related educational and community activities of employees.

4. Reporting

Commissioners and staff are encouraged to report suspected cases of illegal, unethical, or unprofessional conduct. The Commissioners are to report to the Chief Commissioner and staff is to report to their immediate supervisor or the Executive Director. The more serious cases involve neutrality, conflict of interest, harassment, personal bias, and self dealing. When in doubt about the suitability or necessity of such action, one can discuss it in confidence with the Ethics Advisor. The individual, not the Advisor, has responsibility to act on this suspicion or knowledge. The Commission does not assume wrongdoing on the part of either party, and commits to address or investigate the matter fairly and expeditiously.

5. Fair and Ethical Business Practices

In order to maintain a reputation for fair and ethical business practices, the Commission shall set out administrative policies and procedures that ensure competitive processes for procurement, and prompt payment practices. In addition, all Commission contracts shall include provisions consistent with the Ethics Code, including:

- testimonial that the contractor is not employing a former Commission official who is not in compliance with OPS post-service policies; and
- safeguards that existing Commission employees are not being offered nor are receiving inappropriate benefits or inducements.

ETHICS ADVISOR

An Ethics Advisor will be appointed to respond to questions from Commissioners and staff regarding ethics related issues. The Advisor is to provide ethically appropriate answers and guidance, using the Code of Ethics, approved by the Commission, as a reference tool. The role of the Advisor is to clarify options for individuals, leaving the resolution of issues to the initiator of the ethics related question or problem.

The Ethics Advisor will be appointed by the Chief Commissioner and will not be a member of the Ontario Human Rights Commission. In the selection of the Advisor, the Chief Commissioner will ensure that the appointee has the following attributes:

(a) Ability to listen;

(b) Ability to maintain confidence;

(c) Solution oriented;

(d) Integrity and honesty; and

(e) Related background e.g. professional training or ethics related experience.

Prior to appointing the Ethics Advisor, the Chief Commissioner will ask Commissioners and staff to recommend the names of individuals who may qualify. The Chief Commissioner, before making the final selection, will consult with the Ethics Committee.

The Ethics Advisor will be appointed for a period of two years with the possibility of reappointment. The Chief Commissioner will decide on the remuneration for the Ethics Advisor.

The Ethics Advisor, on an annual basis, will prepare two separate reports highlighting the general problems that were encountered without providing any details of the individuals involved. One report will be forwarded to the Chief Commissioner listing the problems by topic that were brought to the attention of the Advisor by the Commissioners and a second report will be provided to the Executive Director listing the problems by topic from staff.

The Ethics Advisor, although appointed by the Chief Commissioner, is an independent advisor who has been appointed to help Commission staff and Commissioners. The process is confidential where only advice is given. The resolution of an issue will be dependent upon the actions taken by the initiator of the ethics-related question or problem.

PRINCIPLES

Uphold Principles of the Ontario *Human Rights Code*

The Commissioners and staff of the Ontario Human Rights Commission shall uphold the principles of the *Human Rights Code* as expressed in its preamble.

Internal Relationships

Relations and interactions on the part of the Commissioners and staff shall reflect the principles and intent of the *Code*, in a spirit of equality, fairness and mutual respect.

Demonstrate Integrity

Commissioners and staff shall demonstrate integrity in all aspects of their duties.

Maintain Neutrality

Commissioners and staff shall be, and shall be perceived to be, neutral and without personal or corporate bias in their duties.

Standard of Quality Public Service

The Commissioners and staff shall provide the highest quality service that is accessible, flexible and sensitive to a diverse population. Services must be equitable and respectful of the dignity of all persons and their right to be fully informed and free from discrimination. As such, the process must be and be perceived to be reasonable, transparent and committed to fairness and the principles of natural justice, as well as is compliance with the law.

Maintain Public Confidence and Trust

Commissioners and staff shall ensure that their conduct and decisions are performed in a manner that is fair and reasonable.

Support Corporate Goals

Commission staff shall support corporate goals and strategies developed to fulfil the intent and purpose of the Commission's mission.

PRINCIPLES AND PROFESSIONAL CONDUCT STANDARDS

Uphold Principles of the Ontario *Human Rights Code*

1. Corporate Commitment to Human Rights
2. Staff Commitment to Human Rights
3. Integrity of Services

Internal Relationships

1. Reflect Principles of the Code
2. Respect for Staff Rights
3. Ethics Advisor
4. Hiring and Promotion
5. Ethics in Job Specifications
6. Code of Ethics Review

Demonstrate Integrity

1. Integrity of Commissioners
2. Integrity of Management
3. Integrity of Staff
4. Integrity as a Standard Beyond Legal Compliance
5. Outside Employment
6. Conflict of Interest and Post Employment Rules

Maintain Neutrality

1. The Principle of Neutrality
2. Reporting Offers of Gifts, Benefits, Gratuities and Hospitality
3. Personal Bias

Standard of Quality Public Service

1. Standards of Public Service
2. Public Information
3. Public Education
4. Caseload Management
5. Information to Parties

Maintain Public Confidence and Trust

1. Referral to Other Organizations
2. Commission Decisions on Merit
3. Public Relations
4. Freedom of Information with Respect to Settlements
5. Case Related Information
6. Transparency
7. Accountability
8. Investigative Ethics
9. Personal Use of Inside Information
10. Security of Information

Support Corporate Goals

1. Individual Accountability
2. Dealing with Ex-Employees
3. Appropriate/Reasonable Use of Government Property
4. Reporting
5. Fair and Ethical Business Practices

RECOMMENDATIONS

Commission's response to final "immediate" recommendations of the report
The 1 year and 3 years recommendations will be reviewed in due time

Recommendation	Response
1. The Commission should ratify and formally adopt a Code of Ethics, including a Credo, Code of Ethics, and Professional Conduct Standards.	The Commission will introduce a Code of Ethics that will be proceeded by a Code and that will include standards of professional conducts.
2. The Commission should extend the mandate of the Ethics Committee for a period from six to twelve months to supervise the introduction of the ethics program, including offering ongoing advice to the Executive Director.	The Ethics Committee mandate will be extended for one year from April 1, 1998 to April 1, 1999.
3. The Commission should provisionally adopt a Statement of Responsibility to Stakeholders initiative and formally ratify it after a year of experiment.	The Commission will review this recommendation during the new fiscal year.
4. The Commission should set up the function of a confidential internal ethics Ombudsperson to serve staff and Commissioners, and appoint such a person.	The Commission will appoint an Ethics Advisor.
5. The Commission should train all existing and future staff, both permanent and contract, in its Code of Ethics, using peer trainers.	The Commission will provide ethics training as recommended.
6. The Commission should mandate the Ethics Committee to undertake and/or supervise assessment or implementation of initiatives recommended in the EthicScan report that will introduce ethical enhancements into administration procedures, procedural manuals, and performance management.	The mandate of the Ethics Committee will be dependent upon the Commission's decision regarding the proposed Code of Ethics.

Recommendation	Response
7. The Commission should encourage the introduction and use of a common "sniff test" for all Commissioners and staff when individuals are confronted with a workplace-related moral or ethical dilemma.	The Commission does not intend to introduce this.
8. The Commission should incorporate the Code of Ethics in its Annual Report to the legislature in order to reinforce attention to and use of that Code.	Once approved the Code will be highlighted in the Commission's Annual Report.
9. As part of its commitment to open participation in this process, the Commission should (a) issue a progress mini-report to all staff by e-mail in January, 1998; (b) make the full EthicScan report available on request to staff (c) arrange a suitable translation of the report for staff who are visually challenged; and (d) make the Code of Ethics available to Commission officers in other jurisdictions who, during EthicScan's research on behalf of the Commission, requested a copy.	All of these have been or are in the process of being completed.
10. The Executive Director should engage in direct discussions with other government officials at the Ministry of Citizenship and Management Board with respect to recommendations in this report involving policies on gifts, post-termination employment, whistle-blower protection, outside employment, and asset and relationship disclosure reports.	The Executive Director has informed the Ministry and the Centre for Leadership, Cabinet Office, of the Commission's intention to introduce the Code of Ethics and has also provided them with a copy of the Committee's report.